Trade in Amer. &. 13

THE RIGHT OF THE BRITISH LEGISLATURE TO TAX THE AMERICAN COLONIES VINDICATED; AND THE MEANS of ASSERTING that RIGHT PROPOSED.

The SECOND EDITION, with ADDITIONS.

Bonum Civem illum dicimus, qui juſſis imperantium prompte paret, qui ad bonum publicum omnibus viribus connititur, ac poſt illud privatum bonum lubenter habet; imo qui nihil ſibi bonum credit, niſi idem bonum quoque ſit civitati; qui denique adverſus alios cives commodum ſeſe gerit.

PUFFEND. De Offic. Civis.

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THE

RIGHT

OF THE

BRITISH LEGISLATURE, &c.

THE outrages and acts of violence, lately committed by ſome of the American colonies, on account of taxes impoſed upon them by the Britiſh Legiſlature, ſeem to render it extremely requiſite to examine the Right of that Legiſlature to impoſe thoſe taxes; and to eſtabliſh ſuch principles as may not only enſure a dutiful obedience to government from thoſe who now illegally reſiſt, but may reſtore harmony and brotherly affection among Britiſh ſubjects, through every part of the Britiſh empire. All theſe diſturbances among the coloniſts having been founded upon falſe ſyſtems of policy, ſyſtems directly contradictory to the principles of the Britiſh conſtitution, it may probably be a means of reſtoring, not only quiet to the colonies, but tranquillity to the minds of the coloniſts, to prove that they have never loſt the happy ſtate of free ſubjects; and that the acts of the mother-country regarding them, which they now complain of, are conſiſtent with the funda-

mental principles of our conſtitution, erring only on the ſide of indulgence towards them. To illuſtrate theſe propoſitions, we muſt examine principles with preciſion, and not ſuffer ourſelves to be led away with popular opinions, when thoſe opinions can neither be grounded on the letter, nor on the ſpirit, of the Britiſh conſtitution at preſent ſubſiſting.

A fundamental principle that has ever been regarded as ſuch by all writers on government is, that in every civilized ſtate there muſt be, ſomewhere, a Supreme all-controling Power. In the Britiſh ſtate this ſupreme power is by the conſtitution fixed in the united wills of the kings, lords, and repreſentatives of the people in parliament aſſembled. Are the coloniſts ſubject to this ſupreme power? They themſelves acknowledge that they are in every thing, excepting taxation. But the principles of our conſtitution, when fully underſtood, will, I believe, evidently prove, that the Britiſh parliament, compoſed of the three eſtates above mentioned, is ſupreme, not in one branch of legiſlation alone, but in all branches, in taxation as in every thing elſe, without any reſpect to the approbation or diſapprobation of the individuals of the ſociety over whom it preſides, when their general welfare is viſibly the object of it's decrees. The coloniſts indeed contend, that the right of taxation in a free nation, ſuch as ours, is always inherent in the individuals of the ſociety, and that nothing can be done in regard to the impoſing of taxes by the legiſlature itſelf, without the conſent of thoſe

individuals, or the conſent of their actual repreſentatives. In favour of this unconſtitutional doctrine very few arguments have been alleged; but the aſſertors of it (however they may have vapoured in a tone of defiance,) have leaned the whole upon two or three general propoſitions, which, to every unclouded underſtanding, need only to be mentioned, to carry their own refutation along with them.

It is in the very eſſence of a freeman, we are told, *to diſpoſe of his own property as he pleaſes. The law of nature*, it is ſaid, *declares the fruits of every man's labour to be his own. Mr. Locke has affirmed* (for ſome of his inadvertencies are quoted on the occaſion,) *that the ſupreme power cannot take from any one any part of his property, but by his own conſent, otherwiſe he has no property at all;—for I have no property in that which another can by right take from me, when he pleaſes, againſt my conſent. It is fit every one who enjoys a ſhare of the protection of government, ſhould pay out of his eſtate his proportion for maintaining it; but ſtill it muſt be done by his own conſent; that is, the conſent of the majority, giving it either by themſelves, or by their repreſentatives choſen by themſelves.*

The coloniſts have advanced thoſe propoſitions as a moſt formidable phalanx in defence of the doctrine, that in a free ſtate there can be no taxation but by perſonal aſſent, or actual repreſentation. But if that doctrine has no other ſupport than what it receives from thoſe propoſitions, it muſt

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fall to the ground, and be for ever abandoned; and were the freedom, or want of freedom, in our conſtitution to be judged of by it's conformity to thoſe maxims, it muſt be declared one of the moſt ſlaviſh forms of government upon earth.

The firſt propoſition, in one breath, deſtroys the pretenſions of every Britiſh ſubject to liberty or legal freedom; for if it be *in the very eſſence of a freeman to diſpoſe of his own property as he pleaſes*, there is not in that caſe a ſingle free ſubject in Great Britain. Where is the noble, or commoner, that dare ſay, he can refuſe paying a tax, when the legiſlature has ordained it? The eſſence of a freeman, that is, of a free ſubject, (for I ſpeak of men united in ſociety,) conſiſts not in his being abſolute maſter of his own property; for that no man in a ſtate of ſociety can be; but in his being governed by known and eſtabliſhed laws, formed by the conſent of a popular aſſembly; in his being tried by his peers; in being exempted from arbitrary impriſonment, and in other privileges, which the ſubjects of no government can boaſt of, but the ſubjects of the Britiſh government. What people were ever more jealous of their liberties than the people of Rome, during the virtuous times of their Republic? But did thoſe free Republicans ever place the eſſence of their liberty in being taxed by their own conſent? They had no ſuch idea; and yet they gloried in being a free people; and are acknowledged to have been ſuch by all thoſe acquainted with their hiſtory. Among all the grievances of the people of Rome, we never

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hear it ſtated as a grievance that they were taxed without their own conſent. When one of the Tribunes of the people railed at the continuance of the ſiege of Veii during the winter, and wanted the army to be diſbanded, and the Romans to return to their own City, it was, according to Livy, *uſurpare libertatem, & creare magiſtratus,* to aſſume liberty, and elect magiſtrates. In the ideas of the Romans, thoſe two phraſes were of the ſame import. The commons of Rome, during the times of the republic, placed the eſſence of liberty in chuſing their own magiſtrates; yet it was not even thoſe magiſtrates elected by the people, who impoſed the taxes. Taxes were impoſed upon the Roman people by the Senate; and the firſt tax we read of, in the times of the free Republic, was in the year of the City 349. Livy tells us, *Nihil acceptum unquam a plebe tanto gaudio traditur,* Nothing is ſaid to have been received by the common people with ſo much joy. *Patres bene ceptam rem perſeverantur tueri;* the ſenators perſevered in maintaining what was ſo happily begun; *Certamen conferendi eſt ortum,* a conteſt aroſe who ſhould be the firſt that ſhould pay. About two hundred years afterwards, that is, in the year of the City 535, when Annibal, with a victorious army, was in Italy, the ſame hiſtorian tells us, *Senatus quo die primum eſt in Capitolio conſultus, decrevit ut eo anno duplex tributum imperaretur;* the Senate, the firſt day they aſſembled in the Capitol, decreed that the taxes ſhould be doubled that year. This very people, while they were acquieſcing in the taxes impoſed by the Senate, as the conſtitutional

nal mode of taxation, claimed to themſelves, and exerciſed, the privilege of declaring peace and war, of nominating ambaſſadors, with many other high prerogatives; and did not forget, even when they were enrolled in the legions, that they ſtill were freemen. *Apud Romanos liberos, non ſervos militare*; Among the Romans freemen, and not ſlaves carry arms. We ſee then, from the moſt inconteſtible authority of authentic hiſtory, that one of the freeſt nations upon earth, and at the ſame time, one of the moſt enlightened, and one of the moſt impatient of any other ſubjection than what was acknowledged to be legal, did not eſteem it the eſſence of a freeman, to give his conſent either perſonally or by his direct repreſentative, to the taxes, which the ſtate required. The ſame opinion, in regard to the eſſence of his freedom, will be entertained by every Britiſh ſubject, who will take the pains candidly to examine the fundamental principles of our conſtitution, and the exerciſe of government, in every period of our hiſtory.

As to the ſecond propoſition, *That the law of nature declares the fruits of every man's labour to be his own*, I freely allow the truth of it; but I affirm, That the law of ſociety declares directly the contrary. The Britiſh coloniſts, I hope, are not living in a ſtate of nature. No; they have, ever ſince their firſt eſtabliſhment, formed part of the ſtate united under the Engliſh laws, and Engliſh conſtitution; and the fundamental principles of that conſtitution, though, perhaps, the freeſt in the world, reſtrain not only the coloniſts, but all

all other Britiſh ſubjects from many prerogatives that they might freely enjoy in a ſtate of nature. It is a maxim with every civilian, " Qui civis fit " libertatis naturalis jacturam facit, ac imperio " ſe ſubjicit, quod jus vitæ & necis complectitur, " & cujus juſſu plurima facienda, abs quibus " quis alias abhorrebat, & omittenda quæ vehe- " menter appetebat." That is, whoever becomes a citizen, reſigns up his natural liberty, and ſubjects himſelf to a governing power, which includes the right of life and death; and at whoſe command he muſt conſent to do many things which he greatly diſlikes, and abſtain from many things which he eagerly deſires. Puffend. de Offic. Civis, l. ii. c. 5. Therefore, in place of this ſecond propoſition, applicable only to people living without a law of union, I will venture to ſubſtitute another, *That in Civil Society no man has a right to a farthing of property till the wants of the ſtate be ſupplied.* And all that our Forefathers fought for, was, That the King, or the Executive Power, ſhould not be the Judge of thoſe wants; but the three eſtates of Parliament, with whom the ſovereign Power was lodged.

How weak and how inconcluſive muſt the propoſitions of Mr. Locke now appear! The ſupreme power, he ſays, cannot take from any one any part of his property, but by his own conſent, otherwiſe he has no property at all. Here we have a falſe concluſion from falſe premiſes. According to the premiſes there is not a ſupreme power on earth, but what is iniquitous and unjuſt; for tho'

taxation in every ſtate is nearly univerſal, we ſhall no where find that the aſſent is univerſal. A coercive right over the wills of individuals, we have ſeen, is in the very eſſence of a ſupreme power; and, indeed, if any individual had a right to refuſe his aſſent to what the ſupreme power ordained, he would be ſupreme over the ſupreme, which implies a contradiction. I do not mean, however, that the ſupreme power in any ſtate has no limitations; for if it ordains things contrary to the laws of God, or manifeſtly deſtructive of the ſociety over which it preſides, it ordains what it has no authority to ordain, conſequently its ſtatutes are void, and individuals may diſobey; not that they have any inherent right over the enacting power; but, becauſe, in fact, nothing has been enacted, when an iniquitous ſtatute has been promulgated.

The weakneſs and fallacy of Mr. Locke's argument, appear from the abſurdity of his concluſion. No part of the ſubject's property, he ſays, can be taken from him by the ſupreme power, but by his own conſent, *otherwiſe* he has no property at all; that is, if the ſupreme power has a right to ſome part, it has a right to the whole of a ſubject's property, which is a ſophiſm of ſuch a groſs conſtruction, that the meereſt novice in logic would be aſhamed of it; and is the ſame thing in point of reaſoning, as if he had ſaid, ſome heat is agreeable to the human body; *therefore*, the higheſt degree of heat would not be diſagreeable; or loſing a little blood, is ſometimes good for the patient; *therefore*, loſing the whole blood will

will ſtill be better for the patient; or, the ſupreme power has a right to protect, *therefore* it has a right to deſtroy. Every reader will perceive, that theſe are downright abſurdities, yet they are direct parodies of the argument of Mr. Locke, upon which the ſeditious have leaned their faith as ſecurely, and as blindly, as the Romaniſts lean their belief upon the infallibility of the Biſhop of Rome. But it is an allowed maxim, in all ſound reaſoning, *a particulari ad univerſale non valet conſequentia*, that is, *whoever makes an univerſal concluſion from a particular propoſition, argues falſely*; and certainly no argument could leſs bear the teſt of this touchſtone, than the argument above refuted.

I ſay the ſupreme power has a right to *ſome part* of a ſubject's property, becauſe it cannot ſubſiſt without *it*; and that it has no right to *the whole* of a ſubject's property, becauſe in that caſe, the individual could not exiſt. Thoſe two propoſitions, I think, may ſtand for ſelf-evident truths; and if they had been properly underſtood ſome years ago, would have cut off all cauſes of diſcontent in the minds of the unprejudiced, in regard to taxes impoſed by the Britiſh legiſlature upon ſubjects, in any part of the Britiſh dominions. The corollary that follows, is perfectly of a piece with the abſurdity of the propoſition to which it is annexed; and for what purpoſe it has been adduced, I am wholly at a loſs to explain, as it proves nothing either on one ſide or the other. "I have no property," it is ſaid, "in that which another can by right

" take from me when he pleaſes, without my " conſent." Where is the perſon that will conteſt the truth of that propoſition? I look upon it to be as ſelf-evident as any axiom in Euclid. When diveſted of the implicated form in which the words darken the ſenſe, it is no more than this, *I have no right in that, in which I have no right*; and yet this futility has been repeated an hundred times, and is ſaid to have been produced by a late Lord Chancellor, in the moſt auguſt aſſembly of the kingdom, as a weighty argument; ſo thoroughly does a factious ſpirit extinguiſh the ſpirit of diſcernment, and make trifles, light as air, deluſively ſeem confirmations ſtrong. Mr. Locke has further advanced, that whatever one pays for enjoying the protection of government, he muſt pay by his own conſent, that is, *the conſent of the majority, giving it either by themſelves, or their repreſentatives choſen by themſelves*. This is reaſoning altogether unworthy of Mr. Locke; for in the ſame propoſition we have the conſent of individuals neceſſary and not neceſſary; the deciſion reſting in a majority, and not in a majority. As the propoſition itſelf is only a repetition of the former, in different words, the ſame refutation may ſerve for both; and ſhews, that ſo far from being political axioms, applicable to the Britiſh ſtate, or to any ſtate whatever, they are nothing but deluſive ſophiſms, tending to diſturb the peace of ſociety. Their having dropt from the pen of a great man, whoſe name will for ever illuſtrate this iſland, can give them no authority, when we find them not only including ſelf-contradictions, but leading to concluſions

ſions inconſiſtent with the firſt principle of all civilized government, in ſetting up the will of an individual, as ſupreme over the ſupreme power *.

Mr. Locke having unhappily paſſed his early years in times of publick confuſion and civil diſſention, was inadvertently led, in refuting the unconſtitutional claim of the Crown, to raiſe ſupplies without the conſent of parliament, to affirm a propoſition no leſs contrary to the principles of the Britiſh conſtitution, than that which he was combating, and, at the ſame time, altogether illogical and ſophiſtical, as may appear almoſt to the diſcernment of an infant. But if truth ſhould not be found at one extreme, why leap in ſearch of her to the other, when it may be preſumed her reſidence is rather in the intermediate ſpace, and in the preſent queſtion, ſhe may actually be found there. For if by the principles of the Britiſh conſtitution, the Crown by itſelf has no right to raiſe any taxes upon the people, it is, on the other hand, no leſs certain, that the ſame principles do not allow the right of denial to individuals.

From not examining the firſt principle of a ſocial union in a civilized government, it has been

* In the year of Rome 585, when the ſcience of logic was not profeſſedly taught in that city, common ſenſe nevertheleſs, which is the beſt logic, prevented the Cenſor C. Claudius from falling into Mr. Locke's miſtake of concluding univerſally from a particular propoſition. That Cenſor told his Colleague, *That though he could remove a citizen from his tribe, he had not therefore a right to remove him from all the tribes.* Neque enim ſi tribu movere poſſet, quod ſit nihil aliud quam jubere mutare tribum ideo, omnibus quinque et triginta tribubus emovere poſſe, id eſt, civitatem libertatemque eripere.

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common to regard taxation in the Britiſh ſtate as *un don gratuit*, or as a free gift given at the pleaſure of the individual. Thus Governor Pownal tells us, " Supplies granted in parliament, are of " good-will, not of duty; the free and voluntary " act of the giver, not obligations and ſervices, " which the giver cannot of right refuſe *." And again, " They, that is, the members of Par- " liament, do not give and grant from the pro- " perty of others to eaſe themſelves." Both of theſe are falſe propoſitions, unworthy of the diſcernment and abilities, which that gentleman has ſhewn in other parts of the treatiſe referred to. Whoever will but advert to the firſt principles, and to the forms of the Britiſh conſtitution for ages paſt, muſt, I think, allow, that ſupplies, granted in parliament, are always of duty, as well as of free-will; and certainly in regard to the laſt propoſition, the burden of ſupplies is always extended to a greater number of individuals, than ever gave their conſent to the raiſing of them, either perſonally or by their repreſentatives.

Since the firſt publication of this diſcourſe, Governor Pownal has thought an explanatory letter neceſſary, to ſhew, that he was not the author of the opinions above quoted from him; but *that they are the ſentiments of Lord Coke, and of the Engliſh Parliaments expreſs, in their own words, upon record* †. I never meant to ſay, that the Go-

* See the Adminiſtration of the Colonies, Ed. 4. p. 173.

† See the Publick Advertiſer of March, 1774.

vernor

vernor was the firſt author of thoſe doctrines: but I quoted his book, as one that was generally read, and one that I had lately peruſed. Falſe philoſophy, and falſe law, have had hundreds of commentators; but one true experiment, or one incontrovertible fact, deſerves more to be regarded, than folios of illuſtrations of falſe principles. The propoſition that I have laid down, *That publick ſupplies granted for the ſupport of the ſtate*, are always of *duty*, I will venture to ſay, is founded upon ſomething even ſtronger than an act of parliament; I mean, upon the very nature of things, and muſt be diſproved by ſomething elſe than a mere miſconſtruction of ancient forms, either by the united voice of many, or by an individual. To the authorities quoted by Governor Pownal, I will add another, I mean, the very words of the royal aſſent to a money bill, *The King thanks his faithful Subjects*. By the words of ſuch a bill, parliamentary ſupplies are certainly as Lord Coke ſays, *expreſſed to be upon free-gift*; but thoſe words, when applied to modern times, I affirm, are nothing but an empty form, though antiently they were expreſſive of the *direct truth*. Parliamentary aids in ancient times were all *extra-ſupplies*, or ſupplies over and above what the conſtitution had aſſigned for the ſupport of government, and as they were at firſt probably given upon tonage and poundage, and articles of merchandiſe, which the nobles held in contempt, theſe laſt might ſcorn to interfere in the grant, otherwiſe than by giving their conſent, as they themſelves were bound

bound to give ſupplies of another nature, I mean perſonal and military ſervice.

When the rude nations that overturned the Roman empire in the weſtern parts of Europe, aſſumed ſettled forms of government, plain ſenſe dictated to them, that government muſt be ſupported; and as in thoſe early periods, much power remained with the Sovereign, a fifth of all the lands was aſſigned for the ſupport of that power, beſides other ſervices, to which the ſubjects were liable. The king's domains were in that period the chief reſource for the defence of the ſtate; but, over and above that reſource, there was, during the times of our Saxon anceſtors, the *trinoda neceſſitas* upon all landholders, clergymen not excepted. This *trinoda neceſſitas*, or the neceſſity of the repair of caſtles, the repair of bridges, and the military expedition, in the words of antient charters, *nulli unquam relaxari poteſt*, can be forgiven to no man. That is, when the pious Saxon Kings made a grant of lands to a monaſtery, they declared in their charter, that tho' they conferred the lands upon that monaſtery; yet it *was out of their power* to excuſe the Monks, from contributing to the Public Supplies, according to the fundamental law of the ſtate. Would the coloniſts have the grants of lands in America upon a different condition? After the conqueſt, during the feudal times, the obligation upon the ſubject, to contribute to the defence of the ſtate, was not at all diminiſhed; for it has been the repeated

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deciſion of lawyers, that ſhould the King grant a tenure in the expreſs words, *abſque aliquid inde reddendo*; yet the law would imply a military duty; and in the Abbot of St. Bartholomew's caſe, in fourteenth of Henry VI. upon a grant made in the words, *tenendum cy frankement come le Roy eſt en ſon corone*, it was decreed, that the Patentee was not exempt from military ſervice.

The piety and ſuperſtition of ſome Kings, and the profuſion of others, in time, ſtripped the Crown of almoſt all it's domains, and conſequently brought it's abſolute power within limitations, as the Kings were obliged to become ſuitors to the people, to ſupply their neceſſities, which were antiently not reckoned to be, and actually were not, the neceſſities of the ſtate; but occaſional deficiencies, owing to extravagance and miſmanagement. By degrees the King's Domains became leſs, and the Parliamentary Supplies increaſed, till at length the former vaniſhed into nothing, and the power of a negative, which remained with the popular part of the latter, actually lifted it up to participate of the ſovereignty, but altered nothing of the fundamental principle: *That the adminiſtering power of every ſtate has a right to be ſupported.*

The following hiſtorical facts, little attended to by our hiſtorians, will evidently prove the antient nature of parliamentary grants, which, I ſay, were formerly mere benevolencies of parliament to our Kings, who often ſquandered them moſt idly, without the leaſt public object being

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ſerved, or without rendering the leaſt account. As thoſe ſubſidies were given by fits and ſtarts, with intermiſſions of many years, the people always looked upon them as public plunder: They were the occaſions of perpetual diſcontents; and the true ſpring of the inſtability of the ſucceſſion of our Kings; the truth of which may eaſily be conceived, if we imagine all our preſent exciſes and cuſtoms aboliſhed for five or ſix years, then impoſed for one or two years, and again ſuppreſſed for an undeterminate number of years. This, tho' overlooked entirely by our politicians and hiſtorians, is the true key of the many commotions and revolutions in the Engliſh hiſtory. Even ſo late as Edward IV. Chancellor Forteſcue gives the following political reaſon, why the King ſhould at leaſt be as rich *as any two of his nobles*, leſt, he ſays, the people ſhould be tempted to aſſiſt a rich nobleman to dethrone the Sovereign, in expectation that the uſurper's large private eſtate, when added to the royal domains, would be ſufficient for the national revenue, without any ſubſidies being demanded from them.——But I ſhall proceed to the hiſtorical facts.

In the ſixth year of Edward III. the commons grant to the King one tenth, and one fifteenth, *ſo as the King will live of his own, without grieving of his Subjects.* I ſhould be glad to know what ſenſe or meaning ſuch a propoſition would have, if made to any of our Kings ſince the revolution. In the twentieth year of the ſame King, the Commons petition the King, *That the keeping of the ſea may from henceforth be at the King's charge,* which

which plainly implies a very conſiderable revenue, that the King could then call his own, independant of parliament. Towards the end of his reign, the ſame King tells his parliament, *That to all the armaments albeit the ſubject to their pains contributed; yet was the ſame far more infinite charge to the prince*; which is ſaying, that parliamentary ſubſidies made but a ſmall part of the national ſupplies. In the fiftieth year of the ſame King, the commons declare, *That if the King's revenues had been rightly managed, he might long maintain his wars, without any charge to the commons*; and yet no Engliſh King had been involved in longer or more expenſive wars. In the firſt year of Richard II. the commons wiſh, *that the King might have all ſuch lands, as his grandfather purchaſed to the eaſe of the commons.* Next year they declare, *that if the King's expences were well looked to, he ſhould need little to charge the commons.* In the fourth parliament, Richard, in excuſe for himſelf, ſays, *that there was no Prince in Chriſtendom capable of defending the ſea, without aid from his ſubjects*, which implies, that tho' the King could do a great deal, he could not do all; but Richard II. was noted for his bad management and diſſipation. Some years afterwards, the commons requeſt the King, *to live within his revenues; and that all gifts may be employed upon the wars.* Theſe domains of the crown, the antient conſtitutional fund for national defence, tho' often ſquandered, were often reſumed; and Edward IV, after having made a general reſumption of all lands belonging to the crown, tells the commons, in the ſeventh year of his reign, *that he means to live upon his own,*

without charging them. His extravagance and laviſh diſſipation, however, obliged him afterwards to have recourſe to his parliamentary bounty; nevertheleſs, it plainly appears, that ſeveral years of his reign paſſed without any aids from parliament. We ſhall not be ſurpriſed at this, when we conſider the largeneſs of his revenue, in conſequence of the reſumption of the domains of the crown, the amount of which we have from the moſt authentic and moſt reſpectable authority. Chancellor Forteſcue, in his treatiſe on abſolute and limited monarchy, written during the reign of Edward IV. and concluding with a prayer for him, for not vexing his people with ſubſidies, tells us, *the King our ſoveryng Lord had by tymes ſithen he reigned upon us, livelood in lordſhippis, lands, tenements and rents, nerehand to the value of the fifth part of his realm, above the poſſeſſions of the chirche.* Such being the fact, then, I ſay that he had not the leaſt occaſion for parliamentary ſupplies; and that the expences of government, in his days, were greater, or more burdenſome, than they are in the preſent period. For, excluſive of the national debt, which is not to be conſidered as a perpetual burden, the annual expences of government do not at preſent amount to the value of the fifth part of the lordſhips, lands, tenements, and rents, of the realm and her dependencies. I leave this very ſingular fact, unnoticed by all our hiſtorians, to the further diſcuſſion of my readers.

We ſee from the inſtances above mentioned, extracted from Cotton's Abridgement of the Records,

cords, that our Kings had formerly an independant national revenue, which the commons have often declared ſufficient, with good management, for all the purpoſes of national defence; and that parliamentary ſubſidies were only good-natured gratuities, to ſupply the wants not of the nation, but of the Prince. But is the actual conſtitution of the Britiſh ſtate, the ſame fabric with the conſtitution three hundred years ago? Now, ſince the executive power has no royal domain; and is, by the happy ſettlement of the revolution, obliged to be accountable for National Supplies, it is no longer the Parliament that grants to the CROWN; but the Nation that gives to ITSELF; and who ſhould be the judge, how much it ought to give, but the great national council? Parliamentary ſupplies are now (moſt happily for the nation,) *the neceſſary ſupplies of the State*; ſince it legally can have no other; who then ought to be judge of that *neceſſity*, but the parliament?

Theſe luminous facts, above mentioned, bring the principles of the Britiſh Conſtitution, long obſcured by illogical arguments, into broad day, and diſpel at once the deluſive doctrine of the factious, *That the individuals of a ſtate may poſſeſs all the property of a ſtate, and the government poſſeſs no property at all, but what thoſe individuals ſeparately chuſe to give it*; which is the direct conſequence of the falſe propoſitions of Mr. Locke, and of the aſſumed dictums of Lord Coke, of Lord C. of Lord C. &c. down to the Philadelphian Reſolvers. Lump together the opinions of all theſe politicians, and they vaniſh before the evidence of facts, like a morning fog

fog before the ſtrong beams of the ſun. Government, at this day, has juſt as good a RIGHT to National Supplies, as it had a thouſand years ago, with this only difference, that the *Royal Domain* is now become a *Legiſlative Domain*. The *trinoda neceſſitas* of our anceſtors, the Saxons, is now the *trinoda neceſſitas* of the aſſent of the three branches of the ſupreme legiſlature. Would the coloniſts then lay claim to the ancient free Saxon government, and be wholly exempt from the payment of taxes, we ſee that one fifth of their landed property, amounting annually to half a million ſterling, ought in that caſe to belong to the crown. Would they take the model of their conſtitution from the Conqueſt to the time of Edward IV. we ſtill ſee that a fifth of their lands muſt belong to the crown, that is, be appropriated to the defence of the ſtate. Would they take the principle of the revolution, for the baſis of their liberties; by that principle the ſovereign legiſlative power alone, is made the judge of what the ſubjects ſhall pay to the crown, and on that baſis, they will find their liberties ſecure. But if they lean upon the weak ſophiſm of Mr. Locke, *That a man is a ſlave who pays any thing to the ſupport of the ſtate without his own conſent*, they will lean upon a broken ſpear, that will pierce their *hand, and bring calamity and diſtreſs upon their country.*

The antient form ſtill remaining of the King's confirming the parliamentary grants, with thanks to the people, can alter nothing as to eſſentials. It is in fact but a courteſy, which we find practiſed by Edward I. when peremptorily ſummoning

ing his ſubjects to the performance of their duty. When that Prince, in the twenty-fourth year of his reign, was meditating an expedition againſt Scotland, he calls upon his great vaſſals to attend him, at Newcaſtle upon Tyne, with horſes and arms. He charges them *upon their duty* to appear; and afterwards adds, *that he might have an opportunity of thanking them.* The words are, vobis mandamus rogantes in fide & dilectione, *quibus nobis teneamini*;——ita quod vobis inde *grates referre* merito teneamur. *See Dugdale's ſummons to parliament.* *

* Let us ſuppoſe the Britiſh ſtate reverted to it's ancient conſtitution, previous to the times of parliamentary grants; and that a fifth part of all the lands in the Britiſh dominions were aſſigned for the ſupport of government; how much, in that caſe, ought to be paid by the American ſubjects, who have hitherto been paying almoſt nothing? The fund of the land tax in Great Britain may be reckoned twenty-five millions; and of Ireland, two millions and an half, tho' by ſome it has been computed at three millions. As the Britiſh ſubjects in America are reckoned more than equal in number to thoſe of Ireland, and their lands in general yield them richer products, the value of their lands in cultivation may, therefore, be ranked upon the ſame ſcale with that of Ireland; and the ſeveral quotas of each will be as follows.

The land fund in Gr. Britain,	£. 25,000,000	a fifth is	£. 5,000,000
Ditto in Ireland, — —	2,500,000	Ditto —	500,000
Ditto in America, — —	2,500,000	Ditto —	500,000
		Total of Public Revenue	£. 6,000,000

Thus ſuppoſing the annual amount of the taxes to be but ſix millions, though it actually be near double that ſum, the proportionable ſhare of the coloniſts ought to be half a million ſterling, to poſſeſs the remainder of their property free from all public burdens. But would this bleſſed exemption from taxation, otherwiſe than as by free gifts, in which they have abſurdly placed the eſſence of a freeman, actually ſecure their freedom? Would not the power of a monarch with a perpetual independent revenue of ſix millions a year, unaccountable to parliament, or without a parliament, ſoon become more oppreſſive to the ſubjects than the preſent regulated ſovereignty of Great Britain?

I have

I have inſerted the preceding hiſtorical details, to ſhew, that if Governor Pownall had looked deeper into the nature of the Britiſh Government, his good ſenſe would probably have led him to have rejected the idea of taxation being a free gift. And from them, I think, I am well founded in affirming, that by the principles of the Britiſh Conſtitution, neither individuals, nor ſubordinate communities, ſuch as the colonies, are juſtifiable in aſſerting, that all aids from them for Public Services, ſhould be their own free and voluntary gifts. According to the fundamental principles, and to the whole texture of the Britiſh conſtitution, Public Supplies granted for the ſupport of the ſtate are always of duty; or, in other words, the right of taxation in the Britiſh ſtate is not in the people at large, but in the Supreme Superintending Power, who preſcribes the duty. It is the General Superintendance that gives a right to taxation, by implying the neceſſity of being ſupported; and where the conſtitution of the ſtate has placed that ſuperintendance, it, of neceſſity, places the right of demanding ſupplies, and regulating the mode of raiſing them. In the Britiſh government, one branch of this ſuperintending power has but a very limited duration, and is compoſed of repreſentatives who draw their exiſtence from a part of the ſubjects called Conſtituents; but it is not the conſtituents who ſend thoſe repreſentatives, that give them a right of levying taxes upon themſelves and all their fellow-ſubjects. No; the right is inherent in, and coeval with, the ſupreme ſuperintendance, and, indeed, makes part of it's very eſſence. There can no more be a ſovereignty without it,

it, than there can be a man without a living ſoul. But cannot the repreſentatives of the commons with-hold ſupplies altogether, if they pleaſe? Yes, certainly; but that, however, gives them no *right* to with-hold ſupplies. The hands and the mouth have the power of with-holding ſupplies from the body to which they belong; but I deny that they have from thence a *right* to with-hold them, becauſe neither a body natural, nor a body politic, has a right to be *felo de ſe*, or to deſtroy itſelf. On the contrary, the principle of life gives to both a *Right* to a ſubſiſtence and ſupport.

Though the executive power in our government has a right to a ſubſiſtence, yet happily it is not the maſter of taking its own ſubſiſtence. It cannot, in ſhort, feed itſelf like the ravening powers of arbitrary ſtates. It muſt be fed as the human body is fed, by the members; but the right of having food, and being ſubſiſted, was inherent in itſelf from the firſt period of its exiſtence.

If one branch of our legiſlature is of very limited duration, the other two branches are ſingly, and by themſelves, of very limited power; but the three branches, conjoined, are all puiſſant over every ſubject of the Britiſh empire: and, as the right of taxation is inherent in them, their will is equally ſovereign in impoſing of taxes, as in every other exerciſe of their power. Accordingly we find that there are penal clauſes in all acts regarding taxation; and, that a ſubject refuſing or neglecting to pay his ſhare of a tax, is diſtrained upon, ſometimes to the total loſs of his ſubſtance. We may therefore regard the idea of the Britiſh parli-

ament's being ſovereign in all acts of legiſlation, excepting taxation, as an idea that has no juſt principle for its foundation; and whatever names and authorities it may have had on its ſide, yet not having the authority of truth to ſupport it, we may rank it with vulgar errors, that deſerve to be exploded. Repreſentation has nothing more to do with the right of taxation, than with every other right enjoyed and exerciſed by the ſuperintending power. It is interwoven with the very eſſence of the ſupreme legiſlative power, which, indeed, ſometimes repoſes; but the adminiſtering power is ſuppoſed never to repoſe. When they are all in action, then is the body politic moſt alive.

Though the right of taxation be alone in the Supreme Superintending Power; yet the modification of that right, is, by the Britiſh conſtitution, reſerved excluſively to the popular branch of it; and this the conſtitution has thought ſufficient for limiting or ſetting bounds to the executive power, and thereby ſecuring a proper ſhare of liberty to all the ſubjects. The excluſive right of this popular aſſembly is, I ſay, the power of modifying and regulating the quantity of public ſupplies. It decides how much the ſupreme power ought to have, and thereby frees the ſubjects from all apprehenſions of that power's demanding, or ever obtaining, the whole of their property, upon the known and avowed principle of its having an inherent right to ſome part of it. The power of limitation being entruſted to this popular aſſembly, who itſelf has but a very precarious and ſhort exiſtence;

iſtence; the ſubjects, though they know it's authority, when joined with that of the other two branches of the legiſlature, to be by the conſtitution abſolute, have no more reaſon to be afraid that it will ſurrender up all their property to the executive power, than they have reaſon to be apprehenſive that it will put them all in chains. In attempting to do either of theſe, it would be acting to the deſtruction of the ſociety, and conſequently acting beyond it's authority.

It has been ſhewn that the *Right of Taxation*, according to our conſtitution, does not lie in the perſonal aſſent of individuals, much leſs therefore in the aſſent of repreſentatives, otherwiſe than as thoſe repreſentatives make a part of the ſuperintending power, which gives them a right of demanding ſupplies, and, as making part of the people, a right of regulating the meaſure of them. Thoſe repreſentatives are choſen and appointed according to long uſe and eſtabliſhed cuſtom in the monarchy; but, happily for the publick liberty, their rights die, and are extinguiſhed every ſeven years, or ſooner, at the pleaſure of the king, when thoſe rights revert to their conſtituents. But do they ever revert to the body of the people of Great Britain at large? No, certainly by the Britiſh conſtitution never *. The people

* I do not here ſpeak of a naſcent ſtate, or of a ſtate juſt beginning to form itſelf, when all power, and all authority, are wholly in the people, or among the individuals. I ſpeak of a ſtate that has had a duration of many ages, formed and eſtabliſhed upon certain principles eſteemed and called *fundamentals*, from their durability and immobility. M. de Buffon, in his very elegant natural hiſtory, ob-

of Great Britain at large, have no more direct concern in the ſovereignty than the moſt remote coloniſt has. The repreſentatives in the houſe of Commons, are not the direct repreſentatives of the people of Great Britain, or of the Coloniſts. They are only the direct repreſentatives of their own conſtituents, and the virtual repreſentatives of every Britiſh Commoner wherever he inhabits. The conſtituents who ſend the repreſentatives to the houſe of Commons, may not perhaps exceed two or three hundred thouſand in number; yet eight millions of ſubjects in Great Britain are taxed by the repreſentatives of thoſe conſtituents, without their own conſent. Thus we find, what B. Franklin ſtates as a falſe propoſition, in order to apologize for the diſobedience of the coloniſts, is preciſely the true fundamental principle of the Britiſh conſtitution, " That fellow-ſubjects in one part of the " dominions are ſovereigns over fellow-ſubjects " in another part," even within the iſland of Great Britain; conſequently, throughout the

ſerves of the bees, that the hexagonal form of their cells, is not owing to any ſuperior inſtinct of thoſe animals; but is a neceſſary conſequence of their coming into exiſtence and living in ſociety. A few peaſe, he ſays, thrown ſeparately into hot water, ſwell and aſſume a globular form, having ſpace to expand on every ſide; but peaſe tied up in a bag, and thrown into hot water, will, from their mutual expanſion and mutual reſiſtence, all aſſume an hexagona- form. The remark is metaphorically applicable to men formed into civil ſocieties; for in theſe no individual has it in his power to expand his views on every ſide as he pleaſes; but every one, from the King to the meaneſt ſubject, muſt ſubmit to the checks, which the fundamental laws of the conſtitution impoſe upon him; and to violate thoſe laws is a crime highly puniſhable in every Society.

whole

whole empire. The truth of this propoſition being clearly eſtabliſhed, overturns at once the whole baſeleſs fabric of repreſentation and taxation, reared by falſe oratory, but left unſupported by the leaſt prop of a ſingle argument.

The ſubjects of Great Britain, in general, participate of the ſovereignty in a very extenſive degree; but upon no juſt reaſoning could it be inferred from thence, even by a foreigner unacquainted with our conſtitution, that this participation extended to every individual. Much leſs then ought ſuch an inference to be made by a Britiſh ſubject, who cannot but know that it is diſproved not only by arguments, but by facts. It is therefore not a little aſtoniſhing, to hear an Engliſh author founding *An argument, for the excluſive right of the colonies, to raiſe their own quota of National Supplies*, upon this very falſe principle, That the laws firſt ſecure the legiſlative right to all the people. But when a mere aſſumed poſition, void of all foundation, is taken for a fundamental principle, all the concluſions drawn from ſuch a poſition become wholly Utopian, and in no wiſe applicable to the conſtitutional ſyſtem of the Britiſh government. * Becauſe *there muſt be repreſentatives of the people, to form a taxing law*, therefore, *all thoſe who are taxed muſt have repreſen-*

* This author graciouſly allows, that people of no property may be taxed without their own conſent; and one of his arguments may be reduced to the following ſyllogiſm. Mr. Hampden acted right in oppoſing a tax demanded without the authority of the ſupreme legiſlature, *therefore*, the colonies act right in oppoſing a tax demanded by the authority of the ſupreme legiſlature.

tatives,

tatives, is a ſophiſm preciſely of the ſame kind with that of Mr. Locke's, above refuted, and falls to pieces upon the leaſt examination. One of our popular orators, indeed, a few years ago, ventured to expoſe his head in eſtabliſhing this miſerable argument, as a fundamental principle. That however was a period of deluſion; but now the rays of common ſenſe begin to brighten our horizon; and I hope will ſoon extend their influence to our deluded colonies.

What the Britiſh conſtitution chiefly aims at, is that the people ſhould, by their repreſentatives, have ſuch a ſhare in the legiſlative authority, as may ſerve for a proper check to the power of the other two branches; but it has ever implied a dutiful ſubmiſſion on the part of all the ſubjects to the will or power of all the three branches, when united in a legiſlative capacity. This legiſlative will or power of the Britiſh parliament, has even been carried ſo far, as to alter fundamentals by acts of parliament; which the people have acquieſced in, from a conviction, that the national good was thereby promoted. The legiſlature have given new kings to the ſtate; they have turned annual parliaments into ſeptennial; nay, *they have even diminiſhed the number of their own conſtituents one third, or perhaps one-half*, as in the famous act of Henry VI. about freeholders; which plainly ſhews, that our anceſtors, three hundred years ago, did not think it eſſential to extend the legiſlative right to allthe people. And it has often been propoſed of late years, for the ſake of domeſtic tranquillity, again to cut off one third

third of the conſtituents from the right of voting, by raiſing the qualification of freeholders to twenty pounds. This however has been effected in another manner, by the late act, depriving copyholders of the right of voting for knights of the ſhire, by which law, above fifty thouſand maſters of families, who ſome years ago might have ſaid, that they, as conſtituents, had ſome ſhare in government, are now placed in the ſame ſituation as coloniſts, or as millions of other ſubjects in Great Britain. Nay, the actual form of the Britiſh government affords a ſingular inſtance of ſeveral entire counties in Great Britain, where all the conſtituents, every ſeven years, or it may be oftner, are expreſsly deprived of the privilege of ſending members to parliament; yet no one ever ſuppoſed thoſe counties not repreſented in the national aſſembly. † Thus it appears, that both the ſpirit and the actual ſtate of the Britiſh Conſtitution eſtabliſh, beyond contradiction, the truth of virtual repreſentation, in the popular part of the ſupreme legiſlature; a truth ſo very apparent to every common obſerver, that one could not have expected ever to have heard it called in queſtion, even by the moſt factious. ‡

† I mean thoſe counties in Scotland, who, by the act of union, ſend members to parliament alternately.

‡ The colony of Maſſachuſet's Bay affords another inſtance, juſtifying the truth of the principle of virtual repreſentation. It is the practice of near one third of the corporations of that colony, who have precepts ſent them for electing repreſentatives, not to chooſe any, to ſave the expence of paying their deputies. The legiſlature of the colony exerciſes it's legal authority nevertheleſs.

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If repreſentation is then virtual for Great Britain, why ſhould it not alſo be virtual for the colonies, who, from the very beginning of their exiſtence, have always made a ſubordinate part of the Britiſh dominion? Since there are millions in Great Britain, that have no immediate ſhare in ſending repreſentatives to parliament, the millions in America are deprived of no right in not having any immediate ſhare likewiſe. In the Britiſh ſtate, (as formerly in the free Roman ſtate,) the *jus ſuffragii*, and the *jus libertatis*, have ever been two diſtinct things; and the want of a right to the former, or to a direct concern in the ſupreme legiſlature, never implied the loſs of the latter, or of the rights of liberty. Saint Paul tells us, he was a FREEMAN, FREEBORN; yet I believe, he would not have been ſo forward in ſheding blood, as ſome in Maſſachuſſet's Bay have been, for the imaginary right of contributing only, of his free-will, to the wants of the ſtate, a right which he knew he had no claim to, had he even lived in the times of the Republic. The *jus ſuffragii* among the free Romans, ſo far from being extend- even over all Italy, was confined to the Campus Martius alone. A Portius Cato, tho' he lived but twenty miles off, at Tuſculum, had no right to meddle with public affairs till he came to Rome, neither had a Tully, while his family continued at Arpinæ; yet they like Saint Paul, were *Freemen freeborn*.

Though there are no conſtituents among our coloniſts, yet they have the ſame right of being choſen into

into the legiſlative body as any of their fellow-ſubjects in Great Britain; and, indeed, there is not a right or a privilege that the ſubjects of Great Britain enjoy, which they do not participate in as far as their local ſituation, and the general wellfare of the community will admit. They cannot deliberate and vote in the houſe of commons, and remain in America; but neither can a member of that aſſembly deliberate and vote in it, while abroad on a foreign embaſſy, or in public ſervice in the Eaſt or Weſt Indies; yet we never heard of any ſuch complaining on that account of a breach of privilege. They dare not ſend a ſhip on the eaſt ſide of the Cape of Good Hope; but all the ſea-ports in Great Britain and Ireland, excepting the port of London, are under the ſame limitation; and even in that port, the traffic beyond the Cape is reſtricted to one ſociety of merchants alone. Their being ſubject to laws of their own, as well as to thoſe of the ſupreme legiſlature, cannot be reckoned any abridgement of their public liberty. They, in that particular, reſemble the members of many incorporated bodies in Great Britain, who, from the very circumſtance of being ſubject to that *double law*, acquire the name of *freemen*. The ſtars ſhine upon us in the day, as well as during the night. When the ſun appears they, indeed, become inviſible; but their rays are not extinguiſhed; and we, certainly, have not the leſs light, for their being preſent with the ſun.

It having been demonſtrably proved, that the Britiſh legiſlature poſſeſſes in itſelf a right of taxation,

ation, independent of actual repreſentation, and that this right is conſequently equally extenſive with any other of its legiſlative rights; it might be expected that the diſpute about its right of taxing the colonies might here be terminated, as the coloniſts in general have only objected to that right, upon the falſe principle of its being founded upon the conſent of individuals, or of direct repreſentatives. Faction, however, having taken deeper root among ſome ſeditious leaders at Boſton, they have moſt weakly endeavoured to juſtify their diſobedience to the Britiſh Legiſlature by other ſophiſms beſides that of taxation, depending upon repreſentation; but ſophiſms, if poſſible, more futile, and more directly inconcluſive, than that already refuted.

As they have obſerved a willingneſs in the people of Great Britain to be deluded, they have not ſcrupled to advance arguments, not only contrary to the plaineſt reaſoning, but to hiſtorical facts; and wiſhing to be what they really are not, they have cavilled at the authority of parliament; that is, at the Sovereignty of the nation, becauſe that authority was not ſo vigorous when England firſt acquired poſſeſſions in America as it is at preſent. Nay, they have gone farther. They have had the rank folly and abſurdity to inſinuate, that the claim of England to poſſeſſions in America, upon the principle of prior occupancy, was an uſurpation of natural right, againſt the ſavage tribes who were the rightful lords of the ſoil. Now, allowing the truth of this poſition, which I moſt readily do; yet, as the claim of England

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was the foundation of the uſurped poſſeſſion of the firſt coloniſts, theſe Boſtonians have, by this allegation, cut the branch they themſelves were ſtanding upon, and deſtroyed their own right to the lands they now poſſeſs in America, if there was any ſolidity in the argument which they have alledged. A poſſeſſion of two hundred years, however, ſuffices to give validity to what might be at firſt a weak, or even an unjuſt claim; and the Boſtonians, perhaps, reflecting on that, graciouſly condeſcend to quit this argument, to lay hold of another equally abſurd. They ſay, "Should the doctrine be admitted, that the diſco-"very of lands owned and poſſeſſed by pagan "people, gives to any Prince a title to the do-"minion and property, ſtill is it veſted in the "crown alone." What a wonderful diſcovery! In whom then, I pray, is it veſted in ſtates, where there is not one ſingle perſon that wears a crown? Do not the coloniſts by their own poſition exclude republics from a poſſibility of ſettling colonies in deſart countries; and all by the juggle of two words; for if inſtead of the words *prince* and *crown*, we ſubſtitute the word *ſtate*, which ought to be the expreſſion, the propoſition, which at preſent is a maſked ſophiſm, will become clear and evident. Thus, "Should the diſcovery of lands, "eſteemed vacant, give to any State a title to the "dominion and property, ſtill is it veſted in the "State alone." New-diſcovered lands are veſted in the crown, as head of the ſtate, not as the private property of the perſon who wears the crown, as the coloniſts would inſinuate in the propoſition above ſtated, and in the following, which may be

looked upon as a farther illuſtration of their new *jus gentium*, or *jus politicum*. "We take it, they "ſay, to be a ſettled point, that the king has a "conſtitutional prerogative to diſpoſe of, and "alienate, any part of his territories not annexed "to the realm." I leave it to my readers to determine whether the following propoſition is not more agreeable to the fundamental principles of the Britiſh conſtitution: "I take it to be a ſet-"tled point, that the king, as king, has no con-"ſtitutional prerogative to acquire any territories, "that are not annexed to the realm." Who would have expected to have found ſuch very zealous advocates for royal prerogative among the puritannical inhabitants of New England; but it has happened to them as to Eve, when ſhe firſt deſerted her huſband,

They fell in love with the firſt devil they met,
And out of pique ev'n help'd to damn themſelves.

The Boſtonians, and their advocates, finding it impoſſible by plain reaſoning to give the leaſt appearance of legality or lawfulneſs to their claim of independence upon the Supreme Britiſh Legiſlature, which is, in other words, an independence upon the ſtate; think that the weakneſs of their arguments may be made up by the number, and are eternally ſhifting their ground by running from one quibble to another. The charters of the colonies, they ſay, are granted by the crown; and, for many years after their firſt eſtabliſhment, the ſovereigns of England governed them without the interference

interference of parliament. What follows from all that? The ſovereigns of England, at that time, were alſo endeavouring to govern Great Britain without the interference of parliament; and both were unconſtitutional. Had parliaments been aboliſhed in Great Britain by thoſe kings who wiſhed to rule without them, is it to be ſuppoſed that *General Aſſemblies* or *General Courts* would have long ſubſiſted in America? Our Kings, in caſe of ſuppreſſing parliaments in this iſland, would have made *One Council of State* ſerve for all their dominions. How abſurd then is it to found the independency of any Britiſh colony upon the principles and actions of kings, ſubverſive of the general liberty of the ſubject.

If the charters of the colonies are granted by the crown, the natural inference is, that the colonies are then dependant upon the kingdom. All authority that the crown has in a political capacity, it has as head of the nation; and all acquiſitions of new lands, though veſted in the king, are acquiſitions belonging to the kingdom *. To ſuppoſe a charter granted by the king in a private capacity, disjoined from his character of head of the nation, to give any au-

* The empty, ſilly, conceit of new plantations belonging to the Crown, and not to the Kingdom, is directly oppoſite to the ſentiment of Lord Bacon, who ſays of them about the very time of their commencement, "THIS KINGDOM now firſt in his Majeſties times, "hath gotten a lot or portion in the new world by the Plantation "of Virginia and the Summer Iſlands, and certainly it is with the "kingdoms on earth, as it is in the kingdom of heaven, ſometimes "a grain of muſtard-ſeed proves a great tree. Who can tell?"

Bacon's *Remains publiſhed by Raleigh.*

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thority whatever, is to ſuppoſe an abſurdity. The coloniſts, therefore, in holding their lands and their civil government from the king by charters, hold both from the nation collectively united in the ſupreme legiſlative body. All the ſovereignty the king has over the colonies, he has as being ſovereign of the Britiſh nation; conſequently, let him grant them hundreds of privileges by charter, he could never make them any thing but parts of the Britiſh nation. A king of Great Britain can no more create by charter, or by any act of his power, a community independent of the kingdom, than he can create a new planet. Nay, an act of parliament could effect no ſuch thing; for though a ſtate may be all-puiſſant within itſelf, yet to ſay that it could be all-puiſſant without itſelf, would be a political ſoleciſm of the groſſeſt kind. An act of parliament might exclude them our ſociety; but could not by its authority form them into independant ſocieties; for from the moment of their ſeparation from us, they would revert to the ſtate of nature. Riots, thefts, and murders, would then not be illegal, and every man might do that which was right in his own eyes, till the wiſer and ſtronger gave law to the reſt. If therefore the colonies could never make but parts of the Britiſh nation; the conſequence is, that they owe, equally with all other ſubjects, ſubmiſſion and obedience to the ſupreme legiſlature of the nation. The ſtately oak, that I view to-day, had not, an hundred years ago, the twentieth part of its preſent ſize; but am I, for that reaſon, to reckon it twenty oaks, or to think, that

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its remoteſt branches do not ſtill depend upon the trunk from whence they ſprouted. The Britiſh nation, by its ſettlements in North America, has ſpread itſelf out beyond the limits of the iſland; but, from the moment thoſe ſettlements were firſt made, the ſovereign ſuperintendance accompanied them, though not always exerciſed in the ſame manner as at preſent.

Hence appears the abſurdity of that propoſition advanced by B. Franklin, " That a ſub-" miſſion to acts of parliament was no part of " the conſtitution of the colonies *." The author muſt certainly have firſt deceived himſelf, otherwiſe he could never have had the confidence to think of palming ſuch a groſs ſophiſm upon his readers. A ſubmiſſion to the ſovereignty of Great Britain, was ever a part of their conſtitution, and, as we have ſeen, cannot but make a part of their conſtitution; but the ſovereignty of Great Britain exiſts in the ſupreme legiſlative body of king, lords, and commons, aſſembled in parliament, conſequently the acts of that parliament are ſovereign over the colonies. Let us ſuppoſe that parliaments exactly ſimilar in every reſpect to the parliament of Great Britain, were to be eſtabliſhed in France and Spain, would the French and Spaniſh colonies, now governed by the abſolute power of one perſon, owe leſs ſubjection to the new ſovereignty, than to the deſpotic *ordinances* of their preſent monarchs, as

* See a Letter, in the *Publick Advertiſer*, *Feb.* 19. 1774.

that

that new ſovereignty, though it added rights to all the ſubjects in general, diminiſhed nothing of the ſupremacy of the nation. But the parliament of Great Britain was a ſovereignty previouſly to the eſtabliſhment of any colonies by the nation; and every right that it now enjoys, was by the conſtitution inherent in it, though not always exerciſed by it, for ages before ever any European colonies were ſettled in America. We find Queen Elizabeth, at the repreſentations of her parliament, taking ſhame to herſelf, for having granted charters that were judged detrimental to the welfare of the publick, and recalling thoſe charters. Now, let us ſuppoſe that her parliament, from a falſe apprehenſion, that the ſettlements in America would be productive of more evil than good to the nation, had petitioned the queen to recal the American charters; Will any Coloniſt take upon him to ſay, that ſhe would not have complied. The parliament, however, did not interfere; but the non-interference of parliament in any act of government, where it has a juſt right, may indeed weaken the act of government, but can never weaken the parliament's right. Now in all acts of legiſlation, it has an inherent right over all the ſubjects of the ſtate, and as the coloniſts have ever made part of the ſubjects, its right conſequently has ever extended over them. The journals of parliament, and the petitions of the coloniſts, afford hundreds of inſtances of the exerciſe of this right, which is alſo juſtified by the very fundamental principles of the conſtitution; yet the Boſtonians, and their advocate B. Franklin,

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ſeem very modeſtly to believe, they can perſuade us, that when the ſun is in the meridian, it is not day-light †.

For what purpoſe Governor Pownal has produced the example of the Seventeen Provinces of the Netherlands, in reaſoning upon a miſunderſtanding between a parent ſtate, and its colonies, is altogether beyond my comprehenſion. It appears to me, that one might as properly have recourſe to a chart of the Weſt Indies, in order to ſail to the Cape of Good Hope. It is plain from hiſtory, that tho' the Netherlanders were ſubjects of the King of Spain, they were no more ſubjects of the crown of Spain, than the Hanoverians are ſubjects of the crown of Great Britain. The ſovereigns of the Netherlands, by the accidents of two ſucceſſive marriages, became ſovereigns of Spain; and as the Emperor Charles V. had, by military force, aboliſhed the privileges of the Cortes of Spain, his tyrannical ſon Philip II. wanted to imitate his example in Flanders. But the Netherlanders were a free people, before ever they were connected with the houſe of Auſtria, poſſeſſing

† In the year 1754, Benjamin Franklin, Eſq; propoſed to the commiſſioners of eleven of the continental colonies, met by order of the crown, in congreſs at Albany, a plan, which was unanimouſly agreed to by all of them, for humbly applying for an act of parliament, for making certain alterations in the conſtitutions of the colonies, and empowering a new council of forty of them, to raiſe taxes upon the colonies. Should the B. Franklin, of the Publick Advertiſer be the ſame perſon, with the above Benjamin Franklin, Eſq; my readers cannot but admire the great conſiſtency of the man. The parliament of Great Britain could not certainly empower others to levy taxes upon the coloniſts, without having that power itſelf. *Pro confeſſo habes reum.*

privileges to ſuch a degree, as to appear actually encumbered with them. Becauſe a ſtate has no right to make laws for the ſubjects of another ſtate, does it follow that it has no right to make laws for its own ſubjects? When we conſider the local circumſtances of the Netherlands, the diſſimilalarity of the two caſes will ſtill be more ſtriking. The Netherlands was a ſmall territory gorged with inhabitants, all poſſeſſing different laws, a different language, and different manners, from the people who aſſumed a right to govern them, which neither the law of nature nor the law of nations had given them, and at the ſame time was quite ſurrounded by powerful enemies, enemies inveterate againſt the ruling power. Our colonies, on the other hand, are ſcattered over a territory of an immenſe extent, which, to be well peopled, would require twenty times its preſent number of inhabitants, and is wholly ſurrounded by the power of the parent ſtate, whoſe laws, whoſe language, and manners, are quite diffuſed over all that territory, a territory from its firſt ſettlement, as Lord Bacon juſtly obſerves, declared to be a lot or portion of the parent ſtate.

I likewiſe conceive the caſe of the Neapolitans, and Herculaneans, quoted by the ſame author, who were indulged with their own laws from the Romans, as having no manner of relation to the circumſtances of the old Engliſh coloniſts in America. But I ſee it wholly applicable to the new colony of Canada. In the early times, all the ſouthern part of Italy was filled with Greek ſettlements, moſt of which were independant; but

but at length they became ſubject to the Romans, who naturally eſtabliſhed their laws whereever they had fixed their power. But as the Greeks were a people highly civilized, who ſpoke a moſt elegant language; a language abounding with claſſical authors much admired at Rome; and who alſo may be ſaid to have had a religion of their own; for the Paganiſm of the Greeks probably differed ſomewhat from the paganiſm of the Romans, theſe laſt who had ſubdued them, left them the choice of the law by which they would be governed; and they very naturally gave a preference to the languages and rites in which they had been born and brought up.

The caſe of Wales, and of the Palatinates of Cheſter and Durham, as quoted and reaſoned upon by Governor Pownal and all others, who have treated of this argument, has alſo, in my opinion, no manner of connection with the queſtion of the ſubmiſſion of coloniſts, to the ſupreme legiſlature of the parent ſtate. The inhabitants of Wales, and of the other two territories, did not acquire their lands by grants from the reſt of the kingdom, with the condition annexed of obeying the laws of the realm, which is the exact ſtate of coloniſts. They were originally as much ſelf-poſſeſſors of the lands they occupied, as any other land inheritors in the iſland; and without particular repreſentatives in the ſupreme legiſlative body, they would have laboured under a diſadvantage that our colonies are not expoſed to; I mean they would have had none in the great National Council to explain

thoſe particular matters that excluſively concerned themſelves, which matters are in Great Britain commonly called *the private buſineſs of parliament*. This private buſineſs, ſo far as the colonies are concerned, is regulated in all the colonies, by the reſpective legiſlature of each; and certainly, while they continue colonies, thoſe legiſlatures ought not conſtitutionally to deliberate upon any thing elſe than *private buſineſs*, of which taxation for the general defence of the ſtate can never make any part.

Neither is the caſe of Ireland at all applicable to the preſent queſtion. Ireland, as hiſtory ſhews us, was originally an independant nation; and at no time previous to the eſtabliſhment of its preſent legal conſtitution had been ſo conquered and overrun by England; but that a great majority of its inhabitants was compoſed of its original natives, living ſubject to a law of their own. If theſe at length, after many ſtruggles, conſented to form themſelves according to the model of the Engliſh conſtitution, held out to them by their conquerors, to accept of Engliſh laws, and acknowledge a ſubordination to England, the conſequence was a ſtrict and happy union of two ſtates, not by incorporation, but coheſion. The native Iriſh who conſented to accept of the laws of England, from Henry II. certainly did not receive their lands from that King. Tho' they acknowledged the *Dominium Regale* of their iſland to be in him and his heirs, yet the *Dominium utile*, or property of Soil, ſtill remained with themſelves, as it had been tranſmitted to them from independant anceſtors

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from times immemorial. This is a property in its nature, quite different from the property of coloniſts; and conſequently, entitled to privileges quite different. The properties which the Britiſh coloniſts now poſſeſs in America, are properties of which they acquired the *Dominium utile*, in conſequence of their being ſubjects of Great Britain, and remaining ſubject to her laws; therefore, it is only infringing their own right to the lands they inherit, to refuſe obedience to the laws of the parent ſtate. Tho' the Iriſh, who inhabit a territory of their own, are in a very different relation to Great Britain, from coloniſts, who live and exiſt upon the direct dominions of the ſtate; yet a learned and judicious writer, has formed the following queries in regard to them, which well deſerve the ſerious conſideration of ſome of the leaders of faction in Maſſachuſet's Bay. *Quere*, "Whether from Glanvil, there is not treaſon "againſt the kingdom as well as againſt the King; "and *quere*, Whether the Engliſh *modus tenendi* "*parliamenta*, being tranſmitted to Ireland, by "Henry II. ſtiling himſelf Conqueror of Ireland; "after that, a parliament of Ireland held in that "form, ſhould have voted themſelves indepen-"dant of the Parliament of England, would not "every member have been liable to an impeach-"ment for treaſon againſt the King, and the "kingdom of England? *" By the connection of Ireland with England, in the time of Henry II. the nation that was ſtrong before, became

* See *the hiſtory and reaſons of the dependency of Ireland upon the imperial crown of the kingdom of England, rectifying Mr. Mollineux's ſtate of the caſe of Ireland, being bound by acts of parliament in England.* London, 1698.

ſtronger,

ſtronger, by having another nation ſo cloſely joined to it, that both appeared but as one, and reſiſted every effort with united ſtrength. And whatever convulſions Ireland might afterwards experience, this firſt ſettlement of Henry II. when the antient natives agreed to become ſubjects of the Crown of England, was the germ of their Conſtitution, which, then, was certainly not conſidered as Colonial, and cannot now be looked upon as ſuch, but from ignorance or injuſtice. ‡

The ſame relation would ſubſiſt between Great Britain and the free aſſociated Indian nations of North America, ſhould they agree to accept of the Engliſh code of laws, and the Engliſh form of government, with an acknowledged ſubordination to Great Britain. Every body

‡ Tho' Ireland has long enjoyed a particular legiſlature with a very great degree of independence; nevertheleſs it may be greatly doubted whether it would not have been much better for the inhabitants of that iſland, if from the firſt of their ſubmiſſion to England, they had referred the whole of their concerns to the ſuperintendence of the Engliſh parliament. If the early eſtabliſhment of the arts, and of commerce; if the cultivation of lands; if ſettled peace and internal tranquillity : bleſſings, then, I ſay, the people of Ireland would have eſcaped many miſeries, and enjoyed much more proſperity, to have ſubmitted all their concerns to the immediate direction of the Engliſh parliament, without one teizing thought about repreſentatives, otherwiſe than as the conſtitution had previouſly eſtabliſhed them. But *non voluere*, they did not think fit ſo to do; and their original independent ſtate gave them a right to propoſe terms of their own. However, were we, I ſay, to enquire what they have gained by their exclusive rights, it would appear that they have raiſed up a wall of ſeparation againſt themſelves, which on many occaſions has ſhut them out from the benign influences of Government. Ireland, in the wide extent of the Britiſh dominions, has, for many years back, appeared like Gideon's fleece. It has remained dry, while the dew of government has been falling moſt abundantly on all our favourite poſſeſſions in America; and yet, ſound policy ought to have made us conſider that iſland as part of the Centre of the State, and as the joint Parent of our numerous colonies.

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muſt agree that their rights and claims would be very different from thoſe of coloniſts. Their anceſtors were independent lords of the ſoil, before ever a Britiſh ſubject ſet his foot in North America; and they have, through ſucceſſive generations, ever ſince remained an incorporated ſociety, living according to a conſtitution framed by themſelves; therefore ſhould they deſire to join themſelves more intimately to the Britiſh nation, they would certainly have a right to propoſe their own terms, and to make ſtipulations as a diſtinct people, offering to live in a fœderal union with Great Britain.

The coloniſts are not a new people that come and offer to enter into the bonds of a perpetual alliance and confederation with us. They were originally our fellow-ſubjects, who finding that the ſtate laid claim to the dominion and property of extenſive vacant lands in America, ſollicited and obtained an authority from the crown, that is from the ſtate, to occupy thoſe lands, with all the privileges of ſubjects remaining at home. The fundamental ſtipulation with ſuch ſubjects is, "You "ſhall have thoſe lands, if you remain in obe-"dience to the parent ſtate." It is by that tenure the coloniſts hold all the lands they poſſeſs in America; and the terms of a royal charter expreſſing any thing elſe, are contrary to the fundamental principles of the Britiſh conſtitution. The conditions of that tenure are no ways altered on account of the hardſhips and difficulties which the firſt ſettlers had to ſtruggle with, any more than the unexpected difficulties and diſappointments

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that miners meet with, give them a fuller right or title to the ore when found, than they had originally from their leaſe. The crown, that is the ſtate, gives even more than the lands in America to the coloniſts. It gives them the power of government, granting to each colony a juriſdiction in every matter relative to it's own particular concerns; but as all the ſubjects are intereſted in the general concerns of the whole empire, no particular juriſdiction can have any authority in theſe, and the juriſdiction which treats of them, muſt in its nature be ſupreme.

If then the Britiſh parliament, as we have ſeen, enjoys a right of taxation independent of individual repreſentation; if the dominion and property of the vacant lands of America were acknowledged to belong to the crown, that is to the ſtate of England, before any Engliſh ſubject ever emigrated thither; if the ſettlers of thoſe lands, who ſailed thither as Engliſh ſubjects, received them, and are daily receiving them from the bounty of the parent ſtate, as portions of her dominion; thoſe ſettlers or coloniſts are then equally amenable to the ſame ſupreme power with all other Britiſh ſubjects, liable with them to the ſame viciſſitudes of adverſe or proſperous fortune in peace and war, and conſequently liable with them to bear their ſhare of all the public burdens, which the ſupport and defence of the ſtate may render neceſſary.

The annual balance that Great Britain receives in her trade with the North American continent, has

has been pleaded as a reaſon for an exemption from taxation, in favour of the colonies. But by the ſame reaſon Ireland, the Iſle of Wight, and Scotland, taken diſtinctively from England, ought to pay no taxes; for, upon examination, it will be found, that the balance is againſt all theſe with the center of government. That balance, however, when not extreme, by no means implies an exhauſting drain of thoſe remote territories. The balance from the whole North American continent at preſent is not ſo great in proportion to the territory and number of people as from the Iſle of Wight; and that proportion in all probability will even diminiſh, as the colonies acquire a greater maturity; and in time it may be preſumed, will preponderate againſt the mother country in favour of the Carolinas, and other ſouthern colonies; ſo that what money Great Britain receives from the northern colonies, will be drawn back again by the ſouthern, and will barely ſuffice with her own exports to pay for the rich products ſhe will have occaſion for from them.

As all wealth (fiſheries excepted,) originates from the ſoil, the moſt natural wealth that a capital can poſſeſs, is that which it draws from its own provinces; and while governments ſubſiſt upon earth, it will ever be found that the center of the ſtate will in general draw a balance from the extremities. This balance in ſtates either monarchical or republican, is partly employed in the exertion of ſtrength, and partly in waſteful conſumption. What is employed in the exertion of ſtrength, like the impulſe of the heart, returns circulation to the ex-

tremities, and gives vigour to the whole conſtitution. The waſteful conſumption of one year is ſupplied by the reproductions of the next. It is a maxim in philoſophy, that if the force of attraction or coheſion is not greater than the force of repulſion, bodies cannot exiſt; and the ſame holds true in politics. If the returns to the center of the ſtate do not exceed in ſome ſmall degree the outgoings from it, weakneſs and diſmemberment muſt enſue. The ſun himſelf, who diſperſes his light and heat through our ſyſtem, is ſuppoſed by aſtronomers to receive ſupplies fully equivalent to his daily waſte; and indeed it may be preſumed, that if he did not receive ſuch ſupplies, his light would ſoon be extinguiſhed.

Much has been written about the balance of trade between nation and nation, and between one province and another; but moſt of the concluſions I have ſeen from the reaſonings on that ſubject have been either very ſuperficial, or altogether falſe. The authors almoſt perpetually miſled by the notion of a mercantile balance, have ſtated one nation againſt another, like one finite arithmetical ſum againſt another, where by continued ſubtraction on one ſide, and continued addition on the other, the difference at length becomes extreme. This is the univerſal error of Swift in regard to the relation between Ireland and Great Britain. The ſupplies of nature however are not finite, but infinite. It has been obſerved above, that all wealth originates from the ſoil; now as the ſoil is permanent, the ſupplies it yields are therefore perennial; conſequently, though the provinces have

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the balance annually againſt them with the capital, yet from nature they annually receive a new ſupply of wealth. From whence I will draw a corollary, which, though it has not been commonly obſerved by political or commercial writers, will nevertheleſs be found to be a *true propoſition*, "That "one nation or one province, may have the ge- "neral balance of trade perpetually againſt it "with another nation or province, and, never- "theleſs, may increaſe in opulence and wealth "annually;" and this is the actual ſituation both of Ireland and of the North American colonies, no part of the Britiſh dominions at preſent proſpering more than the latter.

We may alſo from hence conclude, That it is a moſt falſe maxim, to ſay that we ought to ſeek no other profit from the colonies, but the extenſion of our trade with them. That this is a falſe maxim will appear from its being contradictory to the firſt and trueſt of all maxims, that taxation in order to be juſt, ought to be proportionably equal. Our trade has been extending with the American colonies annually for fifty years paſt; but that has been chiefly owing to the extenſion of their ſettlements, and to the augmentation of their numbers; for if new ſettlements were to ceaſe, and their population remain the ſame for a number of years, our trade with them would certainly diminiſh from the ſupplies of manufactures, which they muſt in the very nature of things furniſh to themſelves. No idea can be more abſurd, than to imagine, we ſhall ſuppoſe two, three, or four millions of people living in peace, in towns and villages, in a fer-

tile territory, and being ſupplied with ſhoes, ſtockings, hats, ſhirts, and every other article of wearing apparel, and of houſehold furniture, by eight or ten millions of their fellow-ſubjects, living three thouſand miles off *. One may as well ſuppoſe the firſt four millions to be born without hands and arms, and to live in a country where there was neither timber, metals, flax, nor wool. Yet this, I acknowledge, was in the laſt century the Utopian idea of Sir William Petty, in ſome of his fanciful illuſtrations, when he aimed at proving, that England could carry on the foreign commerce of the whole world. The Dutch were then aſtoniſhing Europe by their ſudden wealth, and foreign commerce became the popular cry of the times, and had the preference to all kinds of domeſtic or territorial improvement. This narrow and falſe ſyſtem has ſtill ſome deluded followers, who weakly believe that the great ſecret of political ſtrength is to aim conſtantly at a monopoly of foreign commerce for the center of government, which may be truly affirmed to have on many occaſions greatly weakened the political ſtrength of the Britiſh nation. If the American coloniſts have within theſe thirty years doubled the number of their habitations, it cannot be ſuppoſed that during that ſhort ſpace of time they have had leiſure to manufacture the various articles of furniture and clothing needed for thoſe new families, who have been employed upon the moſt profitable of all occupations, that of the cultivation of land. But the

* This was the wiſe ſyſtem of our popular orator, who was for prohibiting the coloniſts from manufacturing a horſe-ſhoe nail.

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preſent courſe of trade between them and their mother country cannot, I ſay, be looked upon as a rule for future times, when new ſettlements will not be ſo frequent, and handicraft trades will have taken deeper root among them. Therefore to view the American coloniſts merely, or even chiefly, in the light of dealers or cuſtomers, ſerving to extend what is wrongfully called our foreign commerce, is a moſt falſe political maxim, leading to conſequences directly oppoſite to thoſe it would ſeem to promiſe.

The Britiſh Nation has no right to expect any thing more from foreign cuſtomers than the profits ariſing from its trade with them; but ſurely it has a right to expect ſomething more from ſubjects, who, though by their mutual commerce, they certainly enrich the ſtate; yet are conſidered by government as only enriching each other. How abſurd then is the expectation of the Boſtonians in their valedictory addreſs to Governor Hutchinſon, when they humbly hope, "That "the policy of Great Britain will ever be ſuch, "as ſhall induce them to view every deſireable "benefit, which they can rationally expect to re-"ceive from their colonies, as founded in the "principles of commerce, and not of taxation." This is preciſely ſuch a propoſition as might be expected to be made to Great Britain by France or Spain, in an amicable treaty of commerce; but appears rather too ridiculous to be confuted when coming from ſubjects, who receive the protection of government; and are therefore bound in duty to ſupport government. What ſhould we think

think of the Newcaſtle traders to London, ſhould they petition for an exemption from taxation upon the ſame principle? In order to miſlead our judgements, in regard to the advantages accruing from this American commerce, we have been told over and over again, that the coloniſts *merely beggar themſelves to enrich us*; *that they ſpin out their own bowels for us*; *that every thing they earn centers in Great Britain*, *&c. &c.* * Theſe ſophiſtical and deceitful poſitions have been often repeated for enſnaring purpoſes; but, like every other argument advanced by the ſeditious, only ſerve to prove the unjuſtifiableneſs of their own conduct. Is the balance of the trade of the coloniſts with Great Britain one million annually in favour of the mother country, we are not from thence to conclude, that they give that million for nothing, that it is part of their own bowels, which their dutifulneſs makes them beſtow upon their parent ſtate? No; they actually receive penny-worths for it in furniture, utenſils, clothing, &c. which their new ſettlements render neceſſary. The purchaſer of an hundred pounds worth of goods has no right to ſay, that the merchant is an hundred pounds the better for him, when he receives goods to that value from the merchant. I would not by this be underſtood to infer that the American market is of ſmall importance to Great Britain. On the contrary, I think the commerce between Great

* It is affirmed in *the adminiſtration of the colonies*, ed. 4. p. 40. "That all the profits of the produce and manufactures of the colo-"nies center finally in the mother country." The author of that treatiſe has certainly too much good ſenſe not to retract that propoſition, which the leaſt reflection ſhews to be falſe.

Britain

Britain and her American colonies, cannot be too much encouraged for the intereſt of both, and that it may become immenſely beneficial to the ſtate, tho' there ſhould not be a mercantile balance in favour either of the mother country, or of the colonies.

Thoſe who have written and harangued about the mercantile profits accruing to Great Britain from the American coloniſts, have always kept to the general propoſition, more apt to lead into error, than to clear up any political truth. It may, therefore, be proper on the preſent occaſion to diſcuſs that point a little; and, the reſult of the examination will ſhew on which ſide the debt lies; and prove that a political balance, and a mercantile balance are two different things. I ſhall ſtate the number of Britiſh ſubjects or coloniſts on the continent of North America at two millions, and their annual expence per head at four pounds ten ſhillings, or nine millions of pounds for the whole. It may be preſumed that I rather underrate, than over-rate the annual expence of the coloniſts, when we conſider that Sir William Petty, an hundred years ago, rated the annual expence of the people of England, at 5*l.* an head. Now, whoever makes an eſtimate of the preſent rate of living of the Engliſh coloniſts in North America, and computes the marketable prices of their commodities in general, the rents of the lands in the inhabited ſpots, the houſe rents in their large towns, and the luxury of their cities, may conclude that living is but a ſmall degree cheaper there at preſent, than it was in England an hundred

dred years ago, or about three times as cheap as it is in Great Britain at this period, where it may be proved with tolerable exactneſs, that the annual expence of the people is near fifteen pounds an head, things, in general, being tripled in their prices in this iſland, ſince the time that Sir William Petty's treatiſe was written *.

From whence do the coloniſts draw this annual ſubſiſtence of nine millions ſterling, but from their lands and fiſheries; and who has conferred, and is daily conferring, upon them thoſe lands and fiſheries, but Great Britain? Have the coloniſts ſettled in the iſland of St. John ſince the late peace, beſtowed the lands of that iſland upon themſelves? Have they not received them from Great Britain, with all the rights of free ſubjects annexed to them, which, in a ſtate of ſociety, as has been above obſerved, can never imply an exemption from public burdens, in the manner, and in the degree that the ſupreme legiſlature of that ſociety ſhall

* I have been told, a member of parliament lately affirmed, that the landed gentlemen paid annually 14 s. in the pound of their rents in public taxes; which affirmation, argues the moſt profound ignorance of the principles and ſources of finance. The national income, it is ſaid, has lately been ſtated by another gentleman at fifty-eight millions; which would make the public taxes about 5 s. in the pound. The annual national revenue may, I think, be eaſily demonſtrated to be above one hundred millions, which will make the public burdens in Great Britain little more than half a crown in the pound. If thoſe two Gentlemen will favour the public with their demonſtrations, I will produce mine. Were Britiſh ſubjects to live with that cordiality which they ought, the taxes might ſoon be leſſened to 2 s. in the pound; and were the national debt annihilated, would not be 1 s. in the pound. But if triſling ſquabbles keep government in a ſtate of warfare with thoſe who ought to be living peaceable ſubjects to the laws, public expences muſt neceſſarily be augmented.

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think fit to impoſe them. What is here obſerved of the moſt recent and moſt inconſiderable of our American colonies, is equally true in regard to the moſt ancient and moſt conſiderable of them; which their charters, together with the hiſtory of their various ſettlements, moſt amply teſtify.

The American coloniſts, beſides their annual ſubſiſtence of nine millions ſterling, which their lands and fiſheries yield them, have likewiſe drawn from the ſame funds another very conſiderable ſtock of wealth, which conſiſts in their houſes, mills, improved lands, ſtock of cattle, plate, houſehold furniture, apparel, *&c.* This may juſtly be reckoned to be at preſent above an hundred millions ſterling; which, conſidering the inſenſible waſte and decay even of this ſtock, and the ſmall accumulations that were made upon the firſt ſettlement of the colonies, will imply an annual augmentation of about three millions ſterling for many years back *.

Thus the coloniſts, from lands which they hold from Great Britain, have actually accumulated a maſs of wealth, of above an hundred millions; beſides an annual ſubſiſtence of nine millions, and a yearly increaſe of wealth of about three millions. For, I ſuppoſe, all the ſtocks in goods and caſh, that have been carried from Europe by new ſettlers to North America, when put together, would

* I do not inſiſt upon the abſolute accuracy of the above calculations, though I could adduce many reaſons to ſhew that they are not far from the truth. The more or the leſs in theſe ſums can only ſtrengthen or weaken my argument to a certain degree; but cannot falſify it.

not amount to one million ſterling. The coloniſts then are growing richer by three millions every year; but whence comes this ſuperlucration of three millions, and how it is diſpoſed of? Let us trace its riſe and circulation. It is acquired like the other nine millions, from their lands and fiſheries; and part of it is employed domeſtically, in improving their lands, augmenting their ſtocks, and adding to the number of their houſes and ſettlements. Another part of it becomes a ſubject of foreign trade with the European Weſt Indian ſettlements, and even directly with ſeveral European ſtates; for, as the coloniſts do not limit themſelves to their own products and manufactures, they, with part of them, purchaſe the manufactures and products of other countries that they want. By this traffic, let us compute that the coloniſts acquire a million ſterling in the precious metals; this balance, or rather this barter, enables them to become purchaſers at the market of Great Britain, for various goods and merchandiſes that they have occaſion for from the mother country; and the million finally reſts where it ought to reſt, and be conſumed, about the center of the ſtate that produced it. From this the ſeditious advocates of the colonies have either ignorantly or ſophiſtically concluded, that the American coloniſts are *merely toiling for the mother country, and that the fruits of all their labour center in Great Britain*; whereas it appears that it is hardly a twelfth of their income which they ſend to Great Britain; for which twelfth they actually receive a value in return; the merchandiſes they draw from Great Britain being as uſeful and as

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neceſſary to them, as the precious metals are to the Britiſh merchants. I allow that in their commerce with Great Britain, they are loſers of the profits of trade, which reſt with the Britiſh merchants; but ſhould theſe even be thirty *per Cent.* it will make the pecuniary advantage accruing to the mother country from the commerce with the colonies about 300,000*l.* a year, or one fortieth part of the income of thoſe colonies.

This balance, it may be preſumed, will increaſe annually for many years to come; but ſhould it riſe to be three times, or even four times as great as at preſent, it appears from what is above written, that we ought to conclude from hence, Not that the colonies are more exhauſted; but that they are become more opulent. Paſt facts ſtrengthen the evidence of this concluſion; for the trade of the colonies with Great Britain is now three times as great as it was ſeventy years ago; yet every ſenſible perſon infers from thence, not that the colonies are three times as poor, but that they are three times as rich. We have ſeen that the annual balance accruing to Great Britain from America, amounts to about 300,000 *l.* but for theſe ten years paſt, the unproductive fund of military expence, has been drawing more than that ſum annually from Great Britain to America; ſo that it would ſeem the colonies are receiving a counterbalance, or full equivalent, from their mother country for the balance of their trade with her. But I ſhall not inſiſt on that equivalent, or counterbalance, as I hope that our preſent political ſyſtem, in regard to that point, will not be of long continuance.

Such is then the ſtate of the mercantile balance flowing from America to Great Britain; but have the coloniſts any excluſive merit to plead on account of that? Is it not according to the eſtabliſhed courſe of nature, that the members ſhould ſupport the body?

Great Britain, by the lands ſhe has acquired in North America, has afforded an aſylum, and a rich property to two millions of people, many of whom, had they not enjoyed the eaſineſs of living, which that large continent affords, would have dragged through life in diſtreſsful circumſtances, and in celibacy; but now ſee themſelves in opulence, and the parents of a numerous offspring, certain of a ſubſiſtence, if from nothing elſe, from the poſſeſſion of new lands. The mother country has not been a niggard in the diſtribution of thoſe lands, often giving as much for the yearly quit-rent of half a crown, as could not be purchaſed in Great Britain for 200, or 300 *l.* and has been reſold in America for that money. She has alſo protected, and daily protects, the poſſeſſors of thoſe eaſily acquired properties in the quiet and peaceable enjoyment of them, and may therefore be ſaid to have been inſtrumental in giving exiſtence to thouſands, nay to millions, who would otherwiſe never had a being; and if liberty and property be means of happineſs, has alſo afforded thoſe new ſubjects the means of enjoying their exiſtence with ſatisfaction.

The ſubjects in America then owe about twelve millions a year to the bounty and to the protection of

of Great Britain; and yet they moſt ungratefully never take that into the account; but, forgetting what the coloniſts have got, and are daily getting, by Great Britain, they repeat without ceaſing how much Great Britain gets by the coloniſts. Now it appears demonſtrably evident, that the indulgent mother country has contented herſelf with one fortieth part of the income of the colonies, while the coloniſts, not ſatisfied with the ſecure enjoyment of the thirty-nine parts remaining, would fain diſavow the obligation they have to the mother country for the landed property they poſſeſs in America, in defiance of the written evidence of the grants regiſtered among them. I have ventured to recall to their minds that obligation, and to ſtate it as ſimply and as clearly as I could to my readers, who may now judge on which ſide the debt lies, and whether the coloniſts do not profit above thirty times more by the mother country, than the mother country profits by them.

That Great Britain ſhould acquire an extenſion of territory on the continent of North America, and not gain from it, would indeed be ſomething ſurpriſing. That the Britiſh ſtate ſhould afford an occaſion to her own ſubjects of acquiring wealth, and of multiplying and increaſing, and yet be no gainer from ſuch an increaſe of ſubjects, would be a ſyſtem of miſgovernment not to be paralleled. Does ſhe now turn her attention to that object; and perceive that from the coloniſts bearing too little, their fellow-ſubjects in Great Britain are ſuffering too much, ſhe certainly acts moſt equitably

tably and moſt politically in ſo proportioning the public burdens upon both, as to reduce the balance nearer to an equilibrium. A farmer in Great Britain that pays an hundred pounds a-year to his landlord, is often found to pay away more than one third of his income, and yet he thrives, and year after year, pays that hundred pound without ever receiving a farthing in return. How much more eligible, and how nearly independent is the ſituation of the coloniſt, who acquits all obligations of rent upon him for a fortieth part of his income; and who, if he will content himſelf with the products of his own ſolitary farm, and abſtract himſelf from the refinements of life procureable from Great Britain, needs not even pay the half of that. The American coloniſts are almoſt univerſally proprietors of land; and every one knows upon what eaſy terms they have acquired thoſe properties, terms ſo very eaſy, that their lands may rather be ſaid to have been given them as a preſent, than ſold to them by their mother country. Their lands in general yield them as rich products as thoſe of Great Britain, and many of them much richer; and the demands upon them for public charges for their domeſtic concerns will be found to be trifling, in compariſon of thoſe of the mother country. So far then from the fruits of all their labour centering in Great Britain, the coloniſts are left in the free poſſeſſion of more of them than equal juſtice to their fellow-ſubjects in Great Britain ought to allow. No wonder then that the ideas of independence, and exemption from taxation held up to people in diſtreſsful circumſtances in this Iſland, and in Ireland, ſhould induce

induce them to quit their moſt intimate friends and relations, and ſeek for ſettlements in a country where there are neither rents nor taxes. Such emigration may ſometimes turn out to the advantage of individuals; but, while the coloniſts remain untaxed in a juſt proportion with their fellow-ſubjects, the ſtate muſt be a loſer by it; for ſhe thereby exchanges ſo many *whole-ſubjects*, if I may be allowed the expreſſion, for ſo many *half-ſubjects*.

In Great Britain the ſubjects labour for the ſtate as well as for themſelves; and they have a right to expect that their fellow-ſubjects in America ſhould be under the ſame obligation. Is it at all reconcileable to common ſenſe or equity, that the labouring hands, who are the ſtrength of a ſtate, upon leaving this iſland, and acquiring lands in America, ſhould thiuk themſelves independent of the Britiſh Barliament in every thing regarding public contributions, while they ſtill remain on Britiſh ground, and enjoy the protection of the Britiſh government? The moment an American coloniſts gets poſſeſſion of a fertile tract of land, by a grant from Great Britain, for a trifling quit-rent, has he any right to cry out, "*All is now my "own; I owe nobody any thing; I will not grant a "farthing to the public expences but what I myſelf "chooſe, or what a repreſentative choſen by me ſhall "give his conſent to.*" Such a declaration, as has been demonſtrated above, would be directly contradictory to the fundamental principles of the Britiſh conſtitution, no ſubject in Great Britain,

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or in any part of the Britiſh empire, having the leaſt right to pretend to any ſuch claim.

The ſeditious Penſylvanian aſſembly however, in their rejection of the Conciliatory Propoſition made to them by two branches of the Britiſh Legiſlature, have the weakneſs and folly to lay it down as the principle upon which they found their rebellious reſiſtance, *That nothing is to be taken by Government from a free people by force, or extorted by fear.* I affirm that the Britiſh conſtitution never acknowledged any ſuch principle; and tho' they may quote Governor Pownal or Lord Camden for ſuch an opinion, I defy them to quote either Law or Reaſon in ſupport of it. Such a political maxim includes the following abſurdity, That the ſupreme authority has an incontroulable Power in every inſtance, excepting in the moſt material inſtance, that of the defence of the ſtate. We in Great Britain, however know very well, that all taxing laws are compulſory laws, which do not infringe the *legal liberties* of Britons either in Europe or America; that the *ſalus populi* is the *ſuprema lex*; that in the arriere ban, the perſon who came laſt to the rendezvous was hanged; that the majority of the Saguntines never ſcrupled to burn the minority as well as themſelves, tho' in this laſt caſe, it was not the *ſalus populi* that was the object, but the *ſalus honoris populi.* Did this Penſylvanian whim of paying nothing to the ſupport of the ſtate but benevolencies, make a principle in the antient free commonwealth of Rome? Very far from it. In the Roman ſtate, To have *prædia cenſui cenſenda*, or taxable

taxable poſſeſſions, was the very thing that denoted a Freeman; and ſome perſons who were not entitled to that character, ſtole the right of citizenſhip, by getting their poſſeſſions fraudulently put upon the taxing role. The *Slaves* indeed paid no taxes; but when a ſlave became rich, and could get his maſter's leave to pay taxes, that very act made him a Freeman. On the other hand, whoever was convicted of giving in a falſe ſtate of his poſſeſſions, in hopes of eluding a public tax, was publicly whipped and ſold for a ſlave by order of the Conſul, and all his poſſeſſions were forfeited to the ſtate, and ſold by the Cenſor.*

As another apology for non-taxation of the colonies, we are told that emigrants paſſing from hence and ſettling there, ſtill traffic with the parent ſtate, who gains by their traffic. With whom, pray, ought they to traffic? If they had ſtaid at home, they certainly would have trafficked with the parent ſtate; but they would have been ſubject to taxes nevertheleſs. This circumſtance the coloniſts ſeem perpetually to overlook, and think they acquit themſelves as to all national ſupplies by the balance accruing to the mother country from their traffic with her; which balance, however, we have ſeen, affects but a very inconſiderable part of their income, but about a fortieth part. They have their domeſtic taxes, it is true; but theſe are ſo low that even, when added to the balance above-mentioned, they bear but a ſmall proportion to the public burdens of the people of Great Britain, which amount to a full ſeventh of their income.

* *Cicero de Topic. Dion. Halicarn. l. 5. Sigonius de antiquo jure Romanorum.*

In the petition preſented to parliament, about ſeven years ago, by the coloniſts of New York, we meet with the following paragraph. " That the " petitioners conceive the North American fiſhery " to be an object of the higheſt national import- " ance; that nothing is ſo eſſential for the ſupport " of navigation, ſince by employing annually ſo " great a number of ſhipping, it conſtitutes a re- " ſpectable nurſery for ſeamen, and *is ſo clearly ad-* " *vantageous for remittances in payment for Britiſh* " *manufactures*; that the petitioners therefore hum- " bly preſume, that it will be cheriſhed by the " houſe with every poſſible mark of indulgence, " and every impediment be removed which tends " to check its progreſs." No doubt, the very lucrative fiſhery, which the colonies enjoy on the coaſts of North America, *is clearly advantageous for remittances in payment for Britiſh manufactures*; that is, it annually yields the coloniſts a fund to purchaſe neceſſaries. But would not that ſame fiſhery have the ſame enriching effect, were it to be proſecuted from the harbours of Great Britain, from whence we find it formerly was proſecuted; and would not all the ſeamen concerned in it on our coaſts pay national taxes, as well as purchaſe Britiſh manufactures? Why then ſhould the nation now reap but an half advantage from it, ſince it is ſtill carried on by Britiſh ſubjects, though they have flitted to the weſt ſide of the Atlantic.

Sir Joſiah Child, who carried a very penetrating judgement into national concerns, viewed the American fiſhery an hundred years ago in a very different light from that in which it is conſidered by the

the coloniſts. I ſhall therefore contraſt their ſentiments with his; and I am perſuaded every ſenſible reader will from thence conclude, that while the coloniſts are not ſubjected to a proportionable ſhare of taxes with their fellow-ſubjects, they contribute rather to impoveriſh than to enrich the mother country by that fiſhery. Sir Joſiah, ſpeaking of the American fiſhery, ſays, " It is well known, " upon undeniable proof, that, in the year 1605, " the Engliſh employed two hundred and fifty ſail " of ſhips, ſmall and great, in fiſhing upon that " coaſt, and it is now (that is about the year " 1670) too apparent, that we do not employ " from all parts above eighty ſail of ſhips.—If it " be the intereſt of all trading nations principally " to encourage navigation, and to promote eſpe- " cially thoſe trades which employ moſt ſhipping, " then certainly it is the intereſt of England to diſ- " countenance and abate the number of planters at " Newfoundland; for if they ſhould increaſe, it " would in a few years happen to us, in relation " to that country, as it has to the fiſhery at New " England, which many years ſince was managed " by Engliſh ſhips from the weſtern ports; but as " plantations there increaſed, fell to be the ſole " employment of people ſettled there, and nothing " of that trade left the poor old Engliſhmen; but " the liberty of carrying now and then, by cour- " teſy or purchaſe, a ſhip-load of fiſh to Bilboa, " when their own New England ſhipping are bet- " ter employed, or not at leiſure to do it.—This " kingdom being an iſland, it is our intereſt not " only to have many ſeamen, but to have them " as much as may be within call in time of danger.

" Now the fiſhing ſhips being only ſix months
" abſent, I appeal to the reader, whether ſuch a
" yearly return of ſeamen abiding at home with us
" all the winter, and *ſpending their money here*,
" which they got in their ſummer fiſhery, were
" not a great acceſs of wealth and power to this
" kingdom, and a ready ſupply for his majeſty's
" navy upon all emergencies.—Of all the Ame-
" rican plantations his majeſty has none ſo apt
" for the building of ſhipping as New England;
" and, in my poor opinion, there is nothing more
" prejudicial, and in proſpect more dangerous to
" any mother kingdom, than the increaſe of ſhip-
" ping in her colonies, plantations, and pro-
" vinces. *"

My readers will doubtleſs make their concluſion from the compariſon of theſe two repreſentatations of the benefits accruing to Great Britain from the American fiſhery; and, I believe, few of them will be backward in acknowledging, that the mother country in this inſtance, has rather promoted the opulence of the coloniſts at the expence *of her own bowels*. But it is not in this article alone, that the coloniſts are enlarging their trade, and augmenting their wealth, rather as rivals, than auxiliaries to the parent ſtate, while they ſtand exempt from an equality of taxation with their fellow-ſubjects. This will appear evident from the following reflection.

* I could willingly have made a longer extract from this very judicious diſcourſe of Sir Joſiah Child upon plantations, which well deſerves to be conſidered by every perſon deſirous of having true ideas concerning them.

There

There are ſome parts of the Britiſh foreign territories that yield no corn, and yet conſume of it annually to the value of near half a million ſterling Here then, one would think, Great Britain may have a ſure market for half a million's worth of exports. No; ſhe has thrown the balance againſt herſelf in behalf of her colonies, who annually export about 600,000*l.* worth of corn to the Weſt Indies. Now the lands uncultivated, and but half cultivated in Devonſhire and Somerſetſhire, could ſupply all that corn to the Weſt Indies, which might be ſhipped from Exeter, Briſtol, *&c.* but our heavy taxes have raiſed the rents of lands ſo much at home, that our farmers cannot enter into competition with the colony farmers, who pay neither rents nor taxes. Our agriculture therefore has one diſcouragement, which the French has not; for at this time, and for many years paſt, above forty mills at Tholouſe, Montauban, and Moiſac, &c. are conſtantly at work in grinding corn for the French ſugar Iſlands, which deſcends the Garonne, and is exported from Bourdeaux, and conſequently renders thoſe iſlands in a manner doubly profitable to their mother country. Thus we ſee that our northern colonies poſſeſs both a lucrative fiſhery, and a corn trade, at the expence of Great Britain; for it is evident that ſhe herſelf could carry on both theſe, having actually above a century ago been in poſſeſſion of the former; and our lands, in the two counties above mentioned, requiring only the labour of the countryman to produce a ſurplus ſufficient for the ſupply of our Weſt Indies. It ill becomes the factious advocates of the coloniſts therefore to urge

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the mercantile balance accruing to great Britain from them, as a claim of merit in the coloniſts, when it appears that they, on the contrary, owe ſo much even in the mercantile way to the mother country.

But in all ſtates it is not ſo much a mercantile balance, as a balance of liberty, and a balance of public burdens, that ought to be ſought after. I am far from being ſo jealous of the effects of the increaſing opulence of the coloniſts as Sir Joſiah Child appears to be; therefore, ſhould they bear their proportionable ſhare of taxes, I ſhould rejoice at every advantage they could procure to themſelves, *not detrimental to their mother country.* They themſelves ought not to deſire more; but as we have daily inſtances of individuals, and even corporate bodies, prompted by the deſire of gain to advance their partial intereſt, to the detriment of the intereſt of the community, it belongs to the general ſuperintending power, and is even its duty, ſo to regulate the claims and privileges of each, as may beſt promote the public good, or the proſperity of the whole State. The people of England cannot but think themſelves aggrieved to ſee coloniſts, whom they protect in the cultivation of a fertile country, which they have beſtowed upon them, refuſing to bear a ſhare in the public burdens, and calling out for an exemption from the authority of the ſupreme legiſlature. This claim the coloniſts have been able to found upon nothing, but their own preſumption, and an anticonſtitutional interpretation of charters, while the ſimpleſt and plaineſt principles of government, hiſtorical facts,

facts, and the great laws of equity and expediency, all ſtand directly againſt them. Is it at all expedient to have twenty different wills in the ſame ſtate? Would the Eaſt India company's affairs proſper better than at preſent, if inſtead of one ſet of directors, they had twenty different ſets? Should there be twenty public clocks in the ſame city, would it not be moſt deſireable to ſee them all going by the ſame regulator?

Suppoſe the coloniſts ſhould ſay, we now find that we can afford to give amply; but we want that our own aſſemblies ſhould regulate the public impoſitions, not only for the domeſtic purpoſes of each colony, but for the general defence. That is, you want to continue a perpetual cauſe, not only of murmuring and diſſenſion, but of diſorder and confuſion; and I may add of weakneſs, the conſequence of the others. While the ſupreme legiſlature has alone the direction, the *quantum*, or the ſum total, regulates itſelf, by each individual's paying in his due proportion, and no farther. On the other hand, ſuppoſing the *quantum* left to the determination of the particular provinces, by what meaſure can it be juſtly regulated, unleſs the object and the mode of the impoſition be the ſame throughout the whole, and in that caſe it is the ſame thing, as if the ſupreme legiſlature had ſolely ordained it. While the parent ſtate pays in one manner, and one colony pays in another, and another colony in a third manner, the proportionable equality of taxation can never be ſo aſcertained as to prevent ſome from believing, that they pay more than their neighbours, though perhaps

they

they may be paying leſs. Laws of taxation therefore ought ever to be as comprehenſive and as uniform as circumſtances will permit. Were the *quantum* to be left to the determination of the colonies ſeparately, we may gueſs how backward each would be to bring its *quota* up to the juſt proportion, from the following blundering ſophiſm, which has often been repeated by thoſe who have written againſt parliamentary taxation for the colonies, but which affords one of the ſtrongeſt arguments for it. The coloniſts, who, when it ſerves their purpoſe, are perpetually conſidering their intereſts as different from thoſe of the ſtate, and as intereſts that ought to have the preference in their own eſtimation, have modeſtly urged, that a parliamantary tax upon the colonies was *unjuſt*, becauſe forſooth it made thoſe colonies liable to pay ſuch charge for others, in which they had *no concern nor intereſt* *. Again, ſhould the parliment tax the colonies, it would be, *the partial advantage of Britain to their prejudice* †. The ſame abſurd propoſition has been repeated by others under a variety of forms; but let us ſee what it amounts to. The neceſſities of the ſtate require a certain ſum of money to be raiſed by a tax, and the parliament wiſhing to render the burden of it

* See a letter in the Publick Advertiſer of February 19th 1774, ſigned B. Franklin. This wondrous argument is exactly the ſame with that of the ſeditious people of Cornwal, in the reign of Henry VII. who ſaid they had nothing to do with the payment of taxes for the defence of the marches in Northumberland; and aſſembling in a tumultuous manner, marched to Blackheath, within ſix miles of London, where they were treated as public enemies, and two thouſand of them killed upon the ſpot.

† See the ſame letter.

as light as poſſible, ordain all the ſubjects to ſhare in it. No, cry a part of theſe ſubjects to the other, raiſe it among yourſelves, we will have nothing to do with it. Certainly here the ſuffering part might with juſtice reply to the other, If ye factiouſly and unjuſtly withdraw yourſelves, our burdens will be the heavier. And this is preciſely the caſe with the colonies and their mother country. The colonies, though the conſtitution never gave them that power, are by withdrawing themſelves from taxation, actually taxing Great Britain without her own conſent; that is, are forcing her to bear heavier burdens than ſhe ought in a juſt proportion to bear. This mighty argument therefore we ſee is like a ſword, that, inſtead of wounding the antagoniſt, wounds the bearer of it; and affords one of the ſtrongeſt reaſons that can be alledged, againſt ſuffering the coloniſts to take upon them to decide in the general concerns of the empire, which inſtead of three negatives in our conſtitution, would give us above thirty negatives. Thus the deputies unlawfully aſſembled at Philadelphia, have ſhewn us, that if they cannot ſucceed in their illegal purpoſes, they mean at one ſtroke to defraud the kingdom of the revenue of tobacco; which is the ſame thing as if they were to aſſume the privilege of laying a tax of 20 *per Cent.* upon all the productions of the ſugar iſlands, or one ſhilling in the pound upon the land-rents of Great Britain. A miniſter, when the public ſupplies are under deliberation in parliament, may therefore ſay, "I intended this "year to have propoſed only 3 s. in the pound "land-tax; but the diſloyalty of ſome of the

" continental colonies, renders 4s. in the pound " neceſſary; or 20 *per Cent.* upon the productions " of the ſugar iſlands. The machine of ſtate I ac- " knowledge has a very irregular motion; but that " is owing to the undue poize hung at the ex- " tremity of it by ſome factious ſpirits in North " America."

The neceſſities of the ſtate are, like other neceſſities, abſolute. When a ſhip of war at ſea is in hazard of periſhing by a leak, would it be juſt or reaſonable in one fifth, or one ſixth of the crew, to refuſe their aſſiſtance in pumping, even when the reſt ſhould appear exhauſted by that fatigue; and would not the labour of thoſe who wrought be augmented, exactly in proportion as the number of thoſe who remained idle, increaſed. The colonies, and the people of Great Britain, are all embarked on board the ſame veſſel; and it is equally the intereſt of all of them, that the veſſel be properly navigated, and always in a ſtate of defence. The whole crew cannot be taken to conſult in the cabin; yet, *all able hands* ought to give their aſſiſtance, not each in his own manner, which would breed confuſion; but all as the commanding power directs.

The factious part of the coloniſts, actuated more by a childiſh *amor ſoli*, than a true *amor patriæ*, ſelfiſhly judge of every act of government, as it affects their particular intereſts, and when the views of government don't coincide with their private views, they preſumptuouſly determine that there is no obligation upon them to obedi-

ence.

ence. That is, the peace and welfare of the whole, according to them, muſt yield to the convenience of a ſmall part. But the very end of the inſtitution of all government, is to effect the reverſe of this, and to make the convenience of particulars yield to the welfare of the whole; and as it is well known that obedience is not always voluntary, government is entruſted with ſuch a force as to compel the refractory to a ſubmiſſion. An enacting authority includes a compelling force, and without the latter, the former would be of no avail. In Great Britain, two or three diſſentient Lords may in a proteſt ſay, That a bill is *unjuſt, tyrannical, and ſubverſive of fundamentals*; but that declaration will not excuſe them from ſubmiſſion to the law once eſtabliſhed by the majority of the legiſlature. Have any of thoſe proteſting Lords ever gone ſo far as the Boſtonians, or as the Corniſh men in the time of Henry VII. and ſaid, *It ſhall not be, becauſe we don't like it?* Had not government an all controuling force, we never ſhould have had a national militia, nor turnpike-roads, nor a Blackfriars bridge, nor a Weſtminſter Bridge, which two laſt are terrible encroachments upon the rights and privileges of the watermen of London, who I make no doubt would very ſoon demoliſh them if——*they durſt* *.

* Such a demolition however would be a proof that factious individuals are often blind to the beſt intereſts of their own community; for had thoſe two bridges been built two hundred years ago, it may be preſumed, that double the preſent number of watermen would now find employment on the river Thames, as the capital, which is now very abſurdly ſwelling out towards Mary-le-bone, would in that caſe have been built equally on both ſides of the river, which would have been attended with many political and

As the Britiſh Government is as much ſupreme in all its dominions, as the Republic of Rome was in the dominions of that ſtate, I ſhall here ſet before my readers, an example of vigour in the Roman Republic, which equally deſerves the attention of our legiſlature, and of our coloniſts. The Roman colonies appear to have ſtood in the ſame relation to Rome, as the Britiſh colonies ſtand in reſpect to Great Britain. They were, according to the juſt expreſſion of Governor Hutchinſon, *parvæ effigies*, or ſmall reſemblances of the parent ſtate, that is, they had their Duumvirs or conſuls, and a ſenate for the management of their private concerns. But when thoſe Roman coloniſts took it into their heads to act of themſelves in the general concerns of the empire, let us ſee in what manner the parent ſtate exerciſed her lawful authority over them. A few years after the commencement of the ſecond Punic war, twelve of the thirty Roman colonies in Italy, under the pretence of being quite exhauſted by the war, refuſed to furniſh men and money againſt the common enemy; in which extremity the Conſuls having in vain endeavoured to rouſe their zeal, by deſiring them to recollect, that they were not Campanians nor Tarentines, but Romans, applied to the ſenate in the following manner: " Alias colonias *in fide* atque *officio* fore, " eas quoque ipſas, qui *ab officio deceſſerant*, ſi legati

civil advantages, beſides that of greatly increaſing the intercourſe from bank to bank. The great city of Rome, thought the office of Edile extremely neceſſary; but we have only come the length of *Commiſſioners of pavements*; and leave our capital, now larger than Rome was before the times of the emperors, to be built like a camp pitched in the night, without any line or general order.

" circa

" circa eas colonias mittantur, qui *caſtigent* non qui " *precenter*, verecundiam imperii habituras eſſe." That is, they could aſſure the ſenate of the fidelity of eighteen of the colonies, and that, to thoſe colonies who *had departed from their duty*, ſhould commiſſioners be ſent not to *entreat* but to *chaſtiſe* them, they would then learn to reſpect the ſupremacy of government. Accordingly, ſome years afterwards, the war ſtill continuing in the heart of Italy, the ſenate decreed, " That the magi- " ſtrates, and ten of the principal men of each " of the refractory colonies, ſhould be brought to " Rome; and that each of thoſe colonies " ſhould furniſh double the number of troops " that they had ever before furniſhed, ſince An- " nibal's entrance into Italy, which troops, ſhould " be formed of the richeſt perſons among the " coloniſts, and ſhould be obliged to ſerve out " of Italy, wherever any recruits ſhould be want- " ed; that thoſe colonies ſhould beſides pay an " annual tax of *tria millia æris*; and for the future " be taxed according to the formulary, or rate " of the people of Rome, the amount of which " tax ſhould be annually brought to Rome by " the ſworn cenſors of each colony, before the " expiration of their office." * About thirteen

* My readers will find this puniſhment more fully particulariſed in the words of Livy. Nihil prius referre conſules paſſi, decreverunt, ut conſules magiſtratus denoſque principes, Nepet, Sutrio, Ardea, Calibus, Alba, Carſeolis, Sora, Sueſſa, Setia, Circæiis, Narnia, Interamna, (eæ namque coloniæ in ea cauſa erant,) Romam excierent, iis imperarent, quantum quæque earum coloniarum militum plurimum dediſſet populo Romano, ex quo hoſtes in Italia eſſent, duplicatum ejus ſummæ numerum peditum daret, et equites centenos vicenos; ſi qua eum numerum equitum explere non poſſet, pro equite uno tres pedites liceret dare; pedites equiteſque quam locuple-

years

years afterwards, in the beginning of the war againſt Antiochus, many able men of the maritime colonies being preſſed on board the fleet, claimed the protection of the tribunes of the people. The tribunes referred them to the ſenate, who decreed, *vacationem rei navalis his colonis non eſſe*, thoſe coloniſts are not to be excuſed ſerving at ſea. *Livy ad an.* 559.

Though the coloniſts, I ſay, ought in duty to bear a proportionable ſhare of all national burdens impoſed by the Supreme Legiſlature, yet I would not be underſtood to mean, that they ought to bear an equal ſhare with the ſubjects in England, as that would be in fact diſproportionate. The great opulence towards the centre of government, enables the ſubjects who inhabit there to bear ſuch taxes, as would be ruinous to the ſubjects in the remoter provinces; but the ſmaller contributions of theſe laſt are brought near to a par with thoſe of the others, by the abſentee proprietors, who reſort to the ſeat of empire, and by the balance of trade, which the center of the ſtate generally receives from the extremities. The taxation of the colonies therefore, in regard to the national defence, may be reduced to the four following articles. 1. That the exports and imports in the

tiſſimi legerentur, mitterenturque, ubicunque extra Italiam ſupplemento opus eſſet; ſi qui ex iis recuſarent, retineri ejus coloniæ magiſtratus legatoſque placere; neque ſi poſtularent ſenatum dari, priuſquam imperata feciſſent; ſtipendium præterea iis coloniis tria millia æris, aſſes ſingulos imperari, exigique quotannis, cenſumque in iis coloniis agi ex formula ab Romanis cenſoribus data; dari autem placere eandem quam populo Romano, deferrique Romam ab juratis cenſoribus coloniarum priuſquam magiſtratu abirent. *Livy ad an.* 546.

colonies

colonies ſhould be brought as nearly as circumſtances will admit to the ſame rates as thoſe in Great Britain. 2. That no tax ſhould ever be impoſed upon the American colonies by parliament, without one of the ſame kind being impoſed upon Great Britain, in a proportionable degree. 3. That the land-tax ſhould be ever at the ſame rate both in the mother country, and in America. 4. That taxes on luxury, or ſumptuary taxes, ought ever to be the ſame in both countries, under which claſs ſtamp-duties may very properly be ranged, independent of their great utility in regulating many domeſtic concerns.

The ſeditious faction among the coloniſts, doubting of the concluſiveneſs of the arguments alledged by them for an exemption from the authority of parliament, have had the blind folly to have recourſe to menaces, which indeed have had the effect of confounding the minds of many weak people among themſelves, though in general regarded with contempt in Great Britain. Intimations have been dropt, that the coloniſts, if their pretenſions are not complied with, may perhaps ſeparate themſelves from the mother country. To this I reply, Doubtleſs they may whenever they pleaſe; but t do that they muſt firſt move off from lands belonging to their mother country. We have likewiſe been told, that the coloniſts are determined to defend their liberties with their lives. This I think a noble reſolution, worthy of Britons, and the deſcendants of Britons. But who is invading their liberties? Obedience to laws conſiſtent with the fundamental principles of the conſtitution, can never

never be an infringement of liberty; but factious diſobedience to thoſe laws is actual rebellion. We have ſeen above, that no ſubject in the freeſt civilized ſtate in the world can be abſolute maſter of the whole of his property; that the Governing Power of the State has a Right inherent in itſelf to demand ſome part of the ſubject's property; and that the eſſence of a free ſubject conſiſts in ſomething elſe than giving his aſſent to a tax, namely, in his being governed by known and eſtabliſhed laws, in his being tried by his peers, in his being exempt from arbitrary impriſonment, &c.

I would no more wiſh to infringe the legal liberty of the coloniſts, than I would wiſh to darken their ſunſhine; but their actions of late have too clearly demonſtrated, that what *they call Engliſh liberties* cannot be too quickly abridged. The abſurd claims, avowed with ſo much inſolence by the factious leaders at Boſton, and the abſtracted ſelfiſhneſs of their proceedings, declare moſt manifeſtly that it is not legal liberty they want to ſecure; but that they have for ſeveral years paſt been ſeditiouſly aiming at unconſtitutional independence; and preſuming upon the non-execution of the laws of their country, by which their actions ſtand condemned, they have vainly hoped to eſtabliſh a tyranny of their own by violence, idly counting upon the whole ſtrength of the coloniſts, to ſupport proceedings, which are a grievance to every ſober minded man in the colonies. Let us examine this ſtrength of the colonies, which the factious leaders have ſo often boaſted of. Great Britain poſſeſſes in America lands more than half as big as all Europe, extending along the ſea-coaſt

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to a diſtance greater than from Denmark to Gibraltar; and in this wide extended country are two millions of people, twenty thouſand ſettled in one place, twenty thouſand in another, &c. Now were there but four millions, or even eight millions of inhabitants in all Europe, twenty thouſand at the mouth of the Elbe, twenty thouſand at the mouth of the Rhine, as many at the mouth of the Seine, of the Garronne, and of the Tagus, I aſk what ſtrength thoſe four or eight millions could have? Let not him that putteth on his armour boaſt as he that putteth it off, it is a moſt wiſe and politic maxim. When the great civil war began in Ireland, there were nearly as many inhabitants in that iſland, as there are now Britiſh ſubjects in America; yet it has been computed that in the courſe of nine years the numbers of the Iriſh were diminiſhed five hundred thouſand by ſword, famine, and deſertion; and Cromwell, with but a ſmall body of well-diſciplined troops, could, if he had pleaſed, have made a deſert of the whole iſland.

When the factious ſpirits among the coloniſts become diffident of their preſent ſtrength, they urge their probable ſtrength in future days; which has been ſo artfully exaggerated, as to make many people conjecture, that the time is at hand when the Continental Colonies will form of themſelves one large State; nay, even that Great Britain and Ireland will become provinces of that continent. As others have taken the liberty of conjecturing, I will add my conjecture likewiſe; and I am firmly perſuaded, that the period is very remote, when the colonies will become indepen-

dent of the mother country, and that it is a period not to be wiſhed for by them. Their population is augmenting at preſent very rapidly, from the facility of making new ſettlements; but, as new ſettlements become difficult, which they will do, notwithſtanding the expanſe of country; and, as their cities enlarge in ſize and luxury, and the handicrafts ſpread among them, marriages will not be ſo frequent, and conſequently the increaſe of their population will proceed much more ſlowly. But, ſuppoſing the coloniſts forty, or even an hundred millions in number, it will be their happineſs to live united with their mother-country, under the ſame laws, as ſuch an union will give vigour to all their governments to maintain internal peace; and there is certainly ſomething pleaſing in the idea of ſo many people living in perfect harmony in the enjoyment of plenty and ſecurity, when ſo ſmall a proportion as a twentieth part of their annual income would ſuffice for public expences. If, on the other hand, the coloniſts ſhall, at any future period, diſunite themſelves from Great Britan, they will moſt aſſuredly, at the ſame time, diſunite from each other. A Philadelphian will ſcorn to be in ſubjection to a Boſtonian, or a Boſtonian to a Philadelphian, &c. Mutual jealouſies will ſoon oblige frontiers to be fortified, which would give occaſion for heavy taxes and ſtanding troops, the commander of which troops would ſoon rule without popular aſſemblies. The want of intercourſe would in time occaſion a diverſity of language; feuds and hoſtilities would ſucceed to tranquility and concord; the *malviventi*, or ruffians, would find a refuge, and would multiply under daring leaders; deſolation

would

would take place of population; and the plains of America, once peopled and cultivated, would become like the plains of Hungary or the Ukrain, which, though void of inhabitants, are certainly not inferior in quality to the beſt lands in America. The colonies therefore ought ever to remember, that the parent ſtate does not only protect them againſt foreign enemies; but even protects them againſt each other. As to Great Britain, on the ſuppoſition of loſing her colonies, who that knows ſhe has maintained her independence for theſe thouſand years paſt againſt the neighbouring millions of Europe, would doubt of her maintaining the ſame independence againſt millions more remote.

To the other futile arguments for the unconſtitutional claims of the Boſtonians, has been added that of the detriment that has accrued to Great Britain from their diſobedience, as a motive of intereſt to our Rulers not to inſiſt upon the juſt rights of legiſlation. We have been told, "that "the coloniſts are all become ſmugglers; that "their coaſt of 1500 miles in length bids defiance "to the watchfulneſs of ſloops of war; that the "coloniſts draw their tea and many other India "goods from the French, Dutch, and Danes; "that French ſilks with them ſupply the place of "the manufactures of Spitalfields and Mancheſter "that 2,500,000 guineas for tea alone have been "paid by the coloniſts to foreigners within theſe "five years. Hence the Engliſh Eaſt India "company's tea and other India goods are rot-"ting in their warehouſes; hence the ſinking of "their ſtock, and the lowering their dividend;

 "hence

" hence the loſs to government of the ſtipulated " 400,000l. a-year; the ſevere blow ſuffered by " credit in general, &c. &c."* Such is the alarming enumeration of evils flowing from the factious diſobedience of American ſubjects, from whence their zealous advocate forms concluſions to the following purpoſe: " Therefore let us alone " to our own proceedings, which I have demon- " ſtrated to have been attended with ſo many pre- " judicial conſequences to Great Britain; with- " draw all your Cuſtom-houſe officers, and leave " our ſea-faring people to practiſe a trade followed " in Europe by diſhoneſt men and rogues." Is this reaſoning like a Philoſopher, or like a Ring-leader of ſedition? The natural concluſion from the above facts ſeems to be, Therefore let the coloniſts no longer alone to their own proceedings, which are contrary to law, and to the conſtitution. Delay no time in putting an abſolute check upon their ſmugglers; who, for the ſake of ſome diſ-honeſt gain, are throwing that wealth into the hands of our rivals, that naturally belongs to Great Britain. Double the number of Cuſtom-houſe officers on ſhore, and of ſloops of war along the coaſt, if the preſent number be found inſuf-ficient; and purſue every vigorous meaſure to make thoſe *lawleſs* people ſenſible, that while they live in ſociety, they muſt ſubmit to *law*. They ſeem to found their right to ſmuggling upon the ſuppoſed facility of executing it along a coaſt 1500 miles in length; but they forget that the coaſts of Great Britain and Ireland exceed 2000 miles in length; which, however, does not pre-

* See the Preface to the London edition of the votes and proceed-dings of the town-meeting of Boſton.

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vent the unlawful traders from meeting with puniſhment, though perhaps not ſo often as they deſerve it.

Having demonſtrably proved that the parliament of Great Britain, as ſupreme legiſlator of the whole empire, has an inherent right of taxation over every Britiſh ſubject, wherever he inhabits, and that the American coloniſts, in being ſubject to that ſupreme power, are on the ſame footing of freedom with millions of their fellow-ſubjects in Great Britain, I ſhall conclude, in a few words, with mentioning the means of aſſerting that right, in ſuch a manner, as to convince the refractory, that they will gain nothing by perſevering in their diſobedience. As the people in the colonies are in general rather miſled than ill-intentioned, I believe, I have with theſe already uſed the moſt effectual means of aſſerting the Right of Parliament to taxation, in proving it to be altogether juſt and conſtitutional. But as there are others who will not be convinced, but by arguments of a different nature, I leave it to ſuch to reflect upon the conſequences to them, ſhould the two houſes of parliament, in imitation of the parliament of Queen Elizabeth, humbly repreſent to His Majeſty that the charters of ſeveral of the American colonies are detrimental to the nation, and petition His Majeſty to recal them, and grant others, as the late king William did to the colony of Maſſachuſſet's Bay, directly againſt the requeſt of that colony; or how they would be affected ſhould an act of parliament be made in this preſent ſeſſion, enacting, *That all the drawbacks and bounties upon commodities exported to, or imported from the colonies, ſhall*

ſhall ceaſe; that every coloniſt ſhall be declared incapable of holding any place of profit or truſt in Great Britain or Ireland; that no coloniſt ſhall be allowed the privilege of fiſhing upon the banks of Newfoundland, or any other coaſt of North America, or territory belonging to Great Britain; that the act in favour of the naturalization of foreign proteſtants ſettling in North America ſhall be repealed, and every perſon from Great Britain and Ireland ſettling in the colonies, be declared an alien, and incapable of being again naturalized without an expreſs act of the Britiſh legiſlature. A law containing the above-mentioned clauſes, but extending to thoſe colonies alone who have refuſed obedience to the act, or acts of parliament, impoſing a tax upon the colonies, would ſerve as a monitory to point out to the factious on what falſe ground they are ſtanding; and ſuch a law ought to remain in force till the legiſlator of each colony ſhould, in the moſt expreſs manner acknowledge, THAT THE KING'S MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE LORDS SPIRITUAL AND TEMPORAL, AND COMMONS OF GREAT BRITAIN ASSEMBLED IN PARLIMENT HAD, HATH, AND OF RIGHT OUGHT TO HAVE FULL POWER AND AUTHORITY, TO MAKE LAWS AND STATUTES OF SUFFICIENT FORCE AND VALIDITY TO BIND THE COLONIES AND PEOPLE OF AMERICA, SUBJECTS OF THE CROWN OF GREAT BRITAIN, IN ALL CASES WHATSOEVER. This noble declaration, did the coloniſts but ſee their own intereſts, ought to be regarded by them as a NEW BILL OF RIGHTS in their favour, againſt the pretenſions of Prerogative. What elſe is expreſſed by it but, that the Britiſh parliament has the ſame authority in the American colonies

colonies, as in Great Britain; or rather, *that the Britiſh Colonies have as good a right to the protection and ſuperintendance of parliament, as the ſubjects in Great Britain.* To the factious and ſeditious, I own, there is ſomething alarming in this; but to thoſe among the coloniſts, who prefer ſubmiſſion to legal government, ſubjection to a mob, or to mob-leaders, a greater anchor of ſecurity cannot be thrown, for the peaceable enjoyment of their lives, and all that is dear to them.

Should his Majeſty, after ſuch an acknowlegement on the part of the colonies, by and with the advice of his parliament, admit the Agent of each colony into the Houſe of Commons, with a right of deliberating and voting, that is, with every right of a Britiſh repreſentative, no harm, I think, could accrue to the Commonwealth from ſuch an increaſe of members in that aſſembly; but the Legiſlative Body itſelf would not have from thence the ſmalleſt degree of Conſtitutional Authority, more than it has at preſent. But if no arguments of reaſon will prevail upon the factious coloniſts, then, indeed, the mother country muſt have recourſe to the ULTIMA RATIO, or LAST REASON, in maintenance of her juſt and natural Rights. Since the above was written, the Coloniſts have indeed raſhly appealed to that argument; but what will be the conſequence of the conteſt, may be judged of from the following remarks of two perſons not ill acquainted with America. Dr. Franklin tells us, in his pamphlet upon the colonies, "That "while our ſtrength at ſea continues, the banks

"of

" of the Ohio (in point of eaſy and expeditious " conveyance of troops) are nearer to London " than the remote parts of France and Spain to " their reſpective Capitals, and much nearer than " Connaught and Ulſter were in the days of queen " Elizabeth;" who, I may add, was not deterred by factious ſubjects at home, nor by Spaniſh armaments abroad, from aſſerting the rights of her crown, againſt the revolters in Ireland, though the exertive power of the ſtate, in her reign, was not one fourth of what it is at preſent. Governor Pownal likewiſe, in his Adminiſtration of the Colonies, obſerves, " That during general Wolfe's " expedition againſt Quebec, if the French had " had ſenſe enough to have ſent two ſhips of the " line, with a frigate or two, and one or two " bomb-ketches, they might have burnt Halifax, " Boſton, New York, or Philadelphia, without in- " terruption." Such victories as theſe, however, every lover of Great Britain, and of the Colonies, would hold in aborrence; and far from wiſhing ſcenes of devaſtion, I ſhould have been happy, if, in the preſent diſpute, the only victory had been the victory of Truth. In ſpite of the efforts of faction, She will at length ſhine forth, and bring with her a ſolid Peace founded on the principles of the conſtitution, one of the plaineſt of which is, That it is the DUTY of every ſubject to contribute to the Public Defence, according to the Will of the Supreme Legiſlature.

FINIS.